

1

EX PARTE COMMUNICATIONS	341
AGENDA ITEM 14:DISCUSSION OF LOCAL GOVERNMENT'S PROGRESS IN IMPLEMENTING RECOMMENDATIONS OF MARCH 1997 BOARD ITEM ENTITLED 'CONSIDERATION OF THE MEASUREMENT ACCURACY ISSUES WORKING GROUP'S RECOMMENDATION FOR CORRECTING BASE-YEAR AND/OR REPORTING-YEAR INACCURACIES'	342
AGENDA ITEM 15: CONSIDERATION OF STAFF RECOMMENDATION ON THE BIENNIAL REVIEW FINDINGS FOR THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE FOLLOWING JURISDICTIONS	428
AGENDA ITEM 16: CONSIDERATION OF STAFF RECOMMENDATION ON THE BIENNIAL REVIEW FINDINGS FOR THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE FOLLOWING JURISDICTIONS	430
AGENDA ITEM 25: CONSIDERATION OF A REDUCTION IN THE 50% DIVERSION REQUIREMENT FOR THE CITY OF NEWMAN, STANISLAUS COUNTY	435
AGENDA ITEM 26: CONSIDERATION OF FUTURE STATE AGENCY BUY RECYCLED CAMPAIGN (SABRC) ACTIVITIES AND PRESENTATION OF FISCAL YEAR 1997/98 REPORTING FIGURES	482
AGENDA ITEM 27: DISCUSSION OF REVISION TO THE CIWMB IN-HOUSE WASTE PREVENTION POLICY AND DEVELOPMENT OF A MODEL STATE AGENCY WASTE REDUCTION AND PROCUREMENT POLICY (ORAL PRESENTATION)	482
AGENDA ITEM 28: CONSIDERATION OF FUDNING FOR APPROVED CONTRACT CONCEPT AND APPROVAL OF SCOPE OF WORK FOR THE RECYCLED PRODUCTS TRADESHOW (CONTRACT CONCEPT NUMBER 53)	488
AGENDA ITEM 29: CONSIDERATION OF APPROVAL OF RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM APPLICATIONS FOR PRECON PRODUCTS, INC., BARBARY ENTERPRISES, LLC AND RANCHO DOS AMIGOS, LLC	488
AGENDA ITEM 30: CONSIDERATION OF AWARD OF THE FISCAL YEAR 1998/99 PLAYGROUND COVER AND SURFACING GRANTS	492
AGENDA ITEM 32: CONSIDERATION AND APPROVAL OF AWARD OF CONTRACTS FOR REQUEST FOR PROPOSALS 'PARTNERSHIPS FOR	

AGRICULTURE AND OTHER END-USERS' (IWM-C8030)	
.....	496
AGENDA ITEM 33: CONSIDERATION AND APPROVAL OF SCOPE OF WORK TO CONTRACT FOR SERVICES FOR IMPLEMENTING COMPLIANCE AUDITS OF NEWSPRINT CONSUMERS (PUBLIC RESOURCES CODE SECTION 42771)	
.	498
AGENDA ITEM VIII. PUBLIC COMMENT	510
ADJOURNMENT	510

1 MARCH 24, 1999 P R O C E E D I N G S 9:30 A.M.
2 CHAIRMAN EATON: GOOD MORNING. TO BE MORE
3 EFFICIENT, GIVEN THE WORKLOAD THAT WE HAVE, IT HAS BEEN
4 SUGGESTED, AND I THINK IT'S A GREAT SUGGESTION, THAT BECAUSE
5 WE GET CORRESPONDENCE DIRECTED TO MY OFFICE -- OF WHICH MANY
6 OF YOU ARE CC'D ON THAT CORRESPONDENCE -- THEN RATHER THAN
7 EACH OF US REPEAT THAT SAME LETTER WHAT I WILL TRY TO DO IS
8 IDENTIFY INITIALLY THE LETTERS THAT I RECEIVED THAT HAVE
9 CC'S OR ARE DIRECTED TO YOU AS WELL.
10 AND, THEREFORE, ACCORDING TO COUNSEL, YOU
11 WILL NOT HAVE TO PUT THOSE ON THE RECORD BUT, RATHER, THEY
12 WILL BE -- FOR PURPOSES OF THE RECORD THEY -- I THINK THEY
13 STILL HAVE TO ENTER THEM INTO THEIR SYSTEM THOUGH, BUT YOU
14 WILL NOT HAVE TO ORALLY REPRESENT THEM HERE AT THE MEETING.
15 AND THEN I WILL READ MY OTHER *EX PARTES*, AND
16 IF FOR SOME REASON OR ANOTHER YOU WERE A BLIND CC ON IT, OR
17 FOR SOME REASON YOU DID GET A COPY OF IT, THEN YOU'LL JUST
18 HAVE TO DISCLOSE IT IN THE REGULAR COURSE OF BUSINESS.
19 DOES THAT SEEM TO BE SATISFACTORY WITH
20 EVERYONE IN TERMS OF THAT?
21 MEMBER PENNINGTON: FINE.

1 CHAIRMAN EATON: THE ONLY LETTER THAT I HAVE THAT
 2 WAS CC'D TO ALL BOARD MEMBERS -- AND I'LL BEGIN THE *EX*
 3 *PARTES* THIS MORNING -- IS A LETTER FROM SENATOR WESLEY
 4 CHESBRO DATED 3/24/99, REGARDING PLAYGROUND COVER AND
 5 SURFACING GRANT PROGRAM.

6 THE OTHER LETTERS THAT I RECEIVED THAT DO NOT
 7 INDICATE ANY CC TO OTHER BOARD MEMBERS, BUT YOU MAY HAVE
 8 RECEIVED THEM, ARE JEFFREY R. SMITH, AMERICAN SURFACE
 9 TECHNOLOGIES, ALSO REGARDING THE PLAYGROUND SAFETY SURFACE
 10 PROGRAM.

11 JOHN O'FARRELL, COUNTY OF SACRAMENTO,
 12 REGARDING A RIO LINDA CLEANUP.

13 THOMAS SLASKOWSKI (PHONETIC), COUNTY OF
 14 SACRAMENTO, REGARDING RUBBERIZED ASPHALT.

15 ROBERT NELSON, RIVERSIDE COUNTY WASTE
 16 MANAGEMENT, BIOMASS FACILITY.

17 AND TRACY STEVENS, CALIFORNIA ENERGY
 18 COMMISSION, REGARDING GREEN BUILDING.

19 I'LL START WITH MY LEFT. AND, MR.
 20 PENNINGTON, DO YOU HAVE ANY OTHER *EX PARTES* THAT NEED TO BE
 21 DISCLOSED THIS MORNING?

22 MEMBER PENNINGTON: MR. CHAIRMAN, I DON'T BELIEVE
 23 SO, I THINK I DID EVERYTHING YESTERDAY.

24 CHAIRMAN EATON: ALL RIGHT.

25 MEMBER PENNINGTON: I DID GET THE SENATOR CHESBRO
 26 LETTER.

27 CHAIRMAN EATON: OKAY. MR. JONES?

28 MEMBER JONES: I'M UP TO DATE.

29 CHAIRMAN EATON: OKAY. SENATOR ROBERTI?

30 MEMBER ROBERTI: NO.

31 CHAIRMAN EATON: OKAY. ANY MEETING REPORTS, OR
 32 ANYTHING TRANSPIRE IN THE LAST 16 HOURS, SINCE WE LEFT HERE,
 33 THAT YOU WOULD LIKE TO PRESENT?

34 MEMBER PENNINGTON: NO.

35 AGENDA ITEM NO. 14: DISCUSSION OF LOCAL GOVERNMENT'S
 36 PROGRESS IN IMPLEMENTING RECOMMENDATIONS OF MARCH 1997 BOARD
 37 ITEM ENTITLED "CONSIDERATION OF THE MEASUREMENT ACCURACY
 38 ISSUES WORKING GROUP'S RECOMMENDATION FOR CORRECTING BASE-
 39 YEAR AND/OR REPORTING-YEAR INACCURACIES"

40 CHAIRMAN EATON: HEARING NO, WE'LL JUST PROCEED
 41 WITH ITEM NO. 14.

42 MS. FRIEDMAN: GOOD MORNING CHAIRMAN EATON AND
 43 BOARD MEMBERS. FOR THE RECORD, I'M JUDY FRIEDMAN, DEPUTY
 44 DIRECTOR FOR THE DIVERSION PLANNING AND LOCAL ASSISTANCE
 45 DIVISION. AND TODAY'S ITEM IS A DISCUSSION OF LOCAL
 46 GOVERNMENT'S PROGRESS IN IMPLEMENTING RECOMMENDATIONS OF
 47 MARCH, 1997, BOARD POLICY ENTITLED "CONSIDERATION OF THE
 48 MEASUREMENT ACCURACY ISSUES WORKING GROUP'S RECOMMENDATION
 49 FOR CORRECTING BASE-YEAR AND/OR REPORTING-YEAR

1 INACCURACIES."

2 BECAUSE THE SMALL MONITORS ON YOUR DIAS THERE
3 ARE SOMETIMES HARD TO READ I'VE PROVIDED A COPY OF THE
4 SLIDES I HAVE, AS WELL AS THE LARGE MONITOR FACING YOU AND
5 THE AUDIENCE.

6 THE INTEGRATED WASTE MANAGEMENT ACT, COMMONLY
7 KNOWN AS AB 939, EFFECTIVE IN 1990, IS IN ITS FIRST YEAR OF
8 IMPLEMENTATION. AND, WE ARE SOON TO BE IN THE YEAR 2000
9 GOAL YEAR.

10 ALONG THE WAY THE LEGISLATURE HAS AMENDED THE
11 LAW, AND THE BOARD HAS DEVELOPED REGULATIONS AND POLICIES,
12 AND MADE DETERMINATIONS IN ORDER TO FILL ITS OVERSIGHT
13 RESPONSIBILITIES. IT'S IMPORTANT TO REFLECT UPON THOSE
14 POLICIES AND DECISIONS TO SEE THE EFFECTS AND UNDERSTAND
15 THEM IN BOTH CURRENT AND FUTURE CONTEXTS.

16 TODAY'S ITEM IS A DISCUSSION OF THE BOARD'S
17 POLICY CONCERNING CORRECTIONS TO MEASUREMENT ISSUES. IN
18 ORDER TO FACILITATE THE DISCUSSION I WILL PROVIDE
19 INFORMATION AND DATA, INCLUDING BACKGROUND AND HISTORICAL
20 OVERVIEW, CURRENT STATUS, AND ISSUES FOR FURTHER DISCUSSION.

21 DISCUSSION OF BASE-YEAR ISSUES NEEDS TO START
22 WITH THE MEASUREMENT SYSTEM BACKGROUND. AB 939 WAS
23 ORIGINALLY BASED UPON MEASURING DIVERSION ACHIEVED.
24 JURISDICTIONS EMBARKED ON GENERATION STUDIES FROM 1990 TO
25 '92, WHICH IDENTIFIED WHAT BASE-YEAR CONDITIONS EXISTED.
26 GENERATION IS DEFINED AS THE SUM OF DISPOSAL PLUS DIVERSION.

27 EACH YEAR A NEW GENERATION STUDY WAS TO BE
28 COMPLETED TO DETERMINE DIVERSION. PUBLIC RESOURCES CODE
29 41033 STATES DIVERSION CALCULATIONS MUST BE AS ACCURATE AS
30 POSSIBLE.

31 FIRST WE'LL LOOK AT ISSUES FACING
32 JURISDICTIONS WHEN PREPARING GENERATION STUDIES FROM THE
33 DIVERSION SIDE OF THE EQUATION.

34 AB 939 ALLOWS CREDIT FOR BASE-YEAR DIVERSION.
35 AND THIS CONCEPT WAS TO ALLOW PROACTIVE COMMUNITIES WHO
36 HAVE BEEN ENGAGING IN DIVERSION PROGRAMS PRIOR TO AB 939'S
37 PASSAGE -- ALLOWED THEM TO ESSENTIALLY GET CREDIT FOR THEIR
38 ACTIVITIES AND NOT BE PENALIZED.

39 STUDYING REQUIRED VOLUNTARY PARTICIPATION BY
40 RECYCLERS. MANY WERE RELUCTANT TO PUBLICIZE TONS DIVERTED
41 BECAUSE THEY FELT IT PROVIDED AN UNFAIR COMPETITIVE
42 ADVANTAGE. AND IT WAS REALLY THE FIRST TIME THAT ANYBODY
43 HAD REALLY ALLOCATED TONS BY JURISDICTION. IT HAD PERHAPS
44 BEEN DONE ON A REGION-WIDE OR EVEN A COUNTY-WIDE BASIS IN
45 THE PAST, FOR THE MOST PART.

46 VOLUNTARY PARTICIPATION WAS ALSO REQUIRED BY
47 BUSINESSES. MANY WERE RELUCTANT TO PROVIDE INFORMATION. IT
48 WASN'T ALWAYS AVAILABLE, AND IF IT WAS, IT WASN'T SOMETHING
49 THAT BUSINESSES NECESSARILY WANTED TO SHARE. IN ADDITION,

1 TONS WERE OFTEN ESTIMATED.

2 ULTIMATELY IT WAS FELT THAT TO MEASURE
3 DIVERSION IT WAS A HIGH COST TO JURISDICTIONS WITH LOW
4 PARTICIPATION BY BUSINESSES AND RECYCLES. IN ADDITION, AT
5 THAT TIME THE LEGISLATURE WAS CONSIDERING WHETHER TO LIMIT
6 BASE-YEAR DIVERSION, AND THIS WAS TO LIMIT IT TO CERTAIN
7 MATERIAL TYPES. THIS WAS GENERALLY KNOWN AS THE "WHAT
8 COUNTS DEBATE," AND WENT ON FOR A COUPLE OF YEARS.

9 THE MATERIALS THAT WERE UNDER CONSIDERATION
10 WERE VARIED, BUT MAINLY FOCUSED ON WHITE GOODS, INERTS,
11 METALS AND IN-FIELD AG WASTES. THE IDEA BEHIND THIS, TO
12 RESTRICT IT, IS THAT -- IT WAS FELT THAT THE RECYCLING OF
13 THESE MATERIALS WAS -- HAD BEEN DRIVEN BY ECONOMICS, LONG-
14 TIME SALVAGING FOR EXAMPLE, AND NOT BY LOCAL DECISIONS.

15 DURING THIS DEBATE MANY JURISDICTIONS DID NOT
16 INCLUDE DIVERSION OF THESE MATERIALS THAT WERE BEING
17 DISCUSSED FOR LIMITATIONS DUE TO THE UNCERTAINTIES OF
18 WHETHER THEY WOULD BE ALLOWED TO COUNT OR NOT. DIVERSION
19 MEASUREMENTS WERE OFTEN LOW.

20 SO TO SUMMARIZE BASE-YEAR MEASUREMENT ISSUES
21 FOR THE DIVERSION SIDE OF THE EQUATION, ANNUAL GENERATION
22 MEASUREMENTS, WITH EMPHASIS ON DIVERSION, WAS BASIS OF
23 MEASURING ACHIEVEMENT OF AB 939. THERE WERE UNCERTAINTIES
24 AS TO WHAT TO MEASURE. DIVERSION WAS OFTEN UNDERSTATED OR
25 UNDER-COUNTED DUE TO LOW PARTICIPATION AND LACK OF DATA.
26 AND JURISDICTIONS FELT IT WAS COSTLY TO CONDUCT THE STUDIES.

27 NOW, MOVING TO THE DISPOSAL SIDE OF THE
28 GENERATION EQUATION, THERE WERE BASE-YEAR DISPOSAL
29 MEASUREMENT ISSUES AS WELL.

30 FIRST, ONLY PART OF TONS DISPOSED WAS TRACKED
31 BY JURISDICTION OF ORIGIN, AND THIS WAS PRIMARILY FRANCHISE-
32 OR MUNICIPALLY-RUN, CONCENTRATING ON THE RESIDENTIAL PORTION
33 OF THE WASTE STREAM, WHICH IS ABOUT 40 PERCENT OF THE WASTE
34 STREAM.

35 MANY LANDFILLS DID NOT HAVE SCALES. TODAY WE
36 ESTIMATE THAT 90 PERCENT OF THE WASTE IS WEIGHED BEFORE
37 DISPOSED. AT THIS TIME, IN THE EARLY '90S, IT WAS MUCH LESS
38 THAN THAT. WE DON'T HAVE AN ACCURATE FIGURE. TONNAGE WAS
39 ESTIMATED. IT WAS OFTEN ESTIMATED ON A VOLUME BASIS, WITH
40 VARIOUS WEIGHT-TO-VOLUME CONVERSION FACTORS APPLIED.

41 MOST WASTE WAS ALLOCATED BY POPULATION. WHEN
42 BUSINESS GENERATE MORE WASTE THAN RESIDENTS IT CAN SKEW THE
43 WASTE STREAM PICTURE. MANY JURISDICTIONS ONLY INCLUDED
44 TONNAGE OF WASTE THEY CONTROLLED -- AGAIN, RESIDENTIAL,
45 FRANCHISE- OR MUNICIPALLY-RUN. THEY OFTEN LEFT OUT SELF-
46 HAUL, WHICH COULD BE -- COME FROM A VARIETY OF SOURCES,
47 INCLUDING RESIDENTIAL, LANDSCAPERS, REMODELERS. THEY OFTEN
48 LEFT OUT NON-FRANCHISE HAULING TONS. PERHAPS WHEN THE
49 COMMERCIAL SECTOR, BUSINESSES, CONTRACTED DIRECTLY WITH THE

1 HAUL THIS INFORMATION WAS ALSO LEFT OUT OF THOSE STUDIES.

2 THERE WAS LITTLE FOCUS ON DISPOSAL TON
3 ALLOCATION, AND THERE WAS MORE FOCUS ON DIVERSION TON
4 MEASUREMENT. AND, REMEMBER, WE ALREADY DISCUSSED, OR WENT
5 OVER, THAT DATA WAS PROBLEMATIC THERE.

6 IN SUMMARY, FOR THE DISPOSAL SIDE OF THE
7 EQUATION, LANDFILLS LACK SCALES IN MAY CASES, SO WASTE
8 TONNAGE WAS ESTIMATED OR GUESSTIMATED, JURISDICTIONS DIDN'T
9 ACCOUNT FOR ALL DISPOSAL TONNAGE, AND LITTLE FOCUS WAS PUT
10 ON DISPOSAL-TON ALLOCATION.

11 SO, THERE ARE SEVERAL FACTORS THAT
12 CONTRIBUTED TO BASE-YEAR MEASUREMENT ISSUES, BOTH ON THE
13 DIVERSION AND DISPOSAL SIDES OF THE EQUATION. AND IT WAS
14 THESE VERY CONDITIONS THAT PROMPTED THE BOARD'S AND THE
15 LEGISLATURE'S CONSIDERATIONS OF CHANGES TO THE MEASUREMENT
16 SYSTEM IN THE ACT.

17 AND, IN 1992, THE ACT WAS CHANGED, AND IT WAS
18 REFERRED TO AB 2494, A BILL CARRIED BY SHER. AND MANY OF
19 THE CHANGES WERE BASED ON MEASUREMENT ISSUES, AS WE
20 DISCUSSED.

21 ONE PROFOUND CHANGE WAS, INSTEAD OF
22 JURISDICTIONS PERFORMING A NEW GENERATION STUDY EACH YEAR,
23 FOCUSING ON MEASURING THE DIVERSION SIDE, WE NOW MEASURE
24 ACHIEVEMENT OF DIVERSION REQUIREMENTS BY MEASURING DISPOSAL
25 REDUCTION PLUS IMPLEMENTATION OF DIVERSION PROGRAMS. I THINK
26 THAT'S IMPORTANT TO KNOW. IT'S MEASURING DISPOSAL REDUCTION
27 PLUS IMPLEMENTATION OF PROGRAMS, AND IT'S A TWO-PART TEST.

28 ANOTHER CHANGE WAS THE -- THE "WHAT COUNTS"
29 DEBATE WAS RESOLVED. BASE-YEAR DIVERSION OF FOUR MATERIALS
30 WAS LIMITED. AND AGAIN, THOSE WERE WHITE GOODS, INERTS,
31 METALS, AND IN-FIELD AG WASTES. THEY COULD COUNT IF -- ONLY
32 IF THEY MET CERTAIN RESTRICTIONS AND REQUIREMENTS, AND THOSE
33 REQUIREMENTS WOULD HAVE TO BE DEMONSTRATED TO THE BOARD.

34 AGAIN, AB 2494 ALLOWED REGIONAL AGENCIES TO
35 JOINTLY MEASURE ACHIEVEMENT OF DIVERSION REQUIREMENTS.

36 AB 2494 WAS FELT TO PROVIDE BENEFITS. THE
37 LOCAL JURISDICTIONS NO LONGER NEEDED TO DO WHAT THEY FELT
38 WERE COSTLY ANNUAL GENERATION STUDIES. IT CREATED A MORE
39 EXTENSIVE AND ACCURATE DISPOSAL REPORTING SYSTEM. IT REALLY
40 EXPANDED GREATLY, IN THAT SYSTEM, OUR KNOWLEDGE OF THE WASTE
41 FLOW IN THE STATE, AND ALSO INCREASED THE NUMBER OF SCALES
42 THAT LANDFILLS HAD. AND IT ALLOWED LOCAL JURISDICTIONS TO
43 JOIN TOGETHER TO ACHIEVE ECONOMIES OF SCALE IN PROGRAM
44 IMPLEMENTATION.

45 SO, LET'S EXAMINE THE CURRENT MEASUREMENT
46 SYSTEM WHICH BECAME EFFECTIVE WITH AB 2494'S PASSAGE. AND,
47 REMEMBER, IT FORMS ONE HALF OF THE TEST TO DETERMINE
48 COMPLIANCE WITH AB 939, THE OTHER HALF BEING IMPLEMENTATION
49 OF DIVERSION PROGRAMS IDENTIFIED IN THE SOURCE REDUCTION

1 RECYCLING ELEMENT.

2 AGAIN, DISPOSAL PLUS DIVERSION EQUALS
3 GENERATION. WE USE BASE-YEAR GENERATION TONS. WE ANALYZE
4 THE IMPACT OF ECONOMIC/POPULATION GROWTH TO DETERMINE
5 ESTIMATED GENERATION. WE COMPARE THE ESTIMATED GENERATION
6 TO ACTUAL TONS DISPOSED TO DETERMINE DISPOSAL REDUCTION.

7 AND I THINK THIS SCHEMATIC ON THE NEXT SLIDE
8 WILL REALLY HELP DEMONSTRATE WHAT I'VE JUST SAID.

9 SO, STARTING WITH THE LET COLUMN, LOCAL
10 JURISDICTION -- FOR THE PURPOSES, LET'S JUST CALL IT LOCAL
11 JURISDICTION "X" -- THEIR ORIGINAL WASTE GENERATION STUDY
12 REVEALED THAT THEY HAD 100 TONS OF DIVERSION, AND 700 TONS
13 OF DISPOSAL IN THE BASE YEAR -- LET'S SAY IT WAS 1990, FOR
14 PURPOSES OF DISCUSSION -- FOR A TOTAL BASE-YEAR GENERATION
15 OF 800 TONS.

16 WE ANALYZED THE IMPACT OF ECONOMIC/POPULATION
17 GROWTH ON GENERATION TO DERIVE THE ESTIMATED GENERATION
18 AMOUNT, AND THAT'S 1,000 TONS. WE THEN COMPARE THE ACTUAL
19 MEASURED DISPOSAL AMOUNT, WHICH IS ON THE RIGHT COLUMN.

20 IN THIS CASE IT'S 750 TONS. WE COMPARE IT TO
21 THE TOTAL ESTIMATED GENERATION, AND IN THIS CASE WE SEE THAT
22 WE HAVE 250 TONS REMAINS. TWO-HUNDRED AND FIFTY TONS
23 DIVIDED BY THE TOTAL ESTIMATED GENERATION OF A THOUSAND TONS
24 EQUALS 25 PERCENT DISPOSAL REDUCTION. YOU CAN SEE THAT IF
25 DISPOSAL WAS ANYTHING GREATER THAN 750 TONS IN THIS CASE WE
26 WOULD NOT HAVE MET THE 25-PERCENT DISPOSAL REDUCTION.

27 HOPEFULLY THIS ILLUSTRATES THAT IF THE BASE-
28 YEAR GENERATION FIGURES -- THE PRE-2494 STUDIES -- WERE
29 INACCURATE EITHER IN DISPOSAL OR IN DIVERSION, THESE
30 INACCURACIES ARE ONLY AMPLIFIED IN THE ESTIMATED GENERATION
31 AMOUNT, BECAUSE IT'S THE BASIS FROM WHICH WE START OUR
32 PROJECTION TO GET THE ESTIMATED GENERATION AMOUNT.

33 ARE THERE ANY QUESTIONS ABOUT THIS BEFORE I
34 MOVE ON?

35 MEMBER ROBERTI: IN THE ESTIMATED GENERATION I
36 UNDERSTAND WE WOULD PROBABLY TAKE POPULATION INTO
37 CONSIDERATION. HOW DO WE FACTOR IN, OR DO WE FACTOR IN, OR
38 DO WE HAVE A METHODOLOGY FACTORING IN SOME SIGNIFICANT
39 EVENT, OR ONE-TIME ONLY THING THAT MIGHT HAPPEN IN A
40 JURISDICTION?

41 MS. FRIEDMAN: WELL, NO --

42 MEMBER ROBERTI: THAT MIGHT CAUSE THEIR ACTUAL --
43 ACTUAL GENERATION TO GO UP.

44 MS. FRIEDMAN: NO, ACTUALLY, WE DON'T LOOK AT ONE-
45 TIME EVENTS ON A ROUTINE BASIS. THERE IS -- THERE ARE
46 OPPORTUNITIES, HOWEVER, FOR JURISDICTIONS TO -- IN ALL
47 CASES, TO COME FORWARD WITH INFORMATION WHICH WE CAN THEN
48 LOOK AT, WHERE THEY CAN SHOW THAT THERE WAS A ONE-TIME EVENT
49 THAT SOMEHOW SKEWED THEIR WASTE STREAM.

1 ANY OTHER QUESTIONS BEFORE I MOVE ON TO THE
2 NEXT...?

3 CHAIRMAN EATON: YES. WITH REGARD TO THE
4 INCREASED DISPOSAL -- THE BASE-YEAR I UNDERSTAND. SOMETIMES
5 THEY ADJUST WHAT THEY THOUGHT THE DISPOSAL NUMBER WAS -- WAS
6 INCORRECT. IS THAT CORRECT?

7 MS. FRIEDMAN: YES. AS A MATTER OF FACT, THERE
8 ARE, IN THE -- IF YOU'RE TALKING ABOUT THE CURRENT ACTUAL
9 DISPOSAL?

10 CHAIRMAN EATON: UM-HUM.

11 MS. FRIEDMAN: THERE ARE SOMETIMES ERRORS IN THE
12 DISPOSAL REPORTING SYSTEM WHERE JURISDICTIONS OR -- WILL
13 COME FORWARD AND SAY, YOU KNOW, HERE'S CORRECT INFORMATION,
14 SOMETIMES THAT COMES FROM RECONCILING BOE DATA WITH THE
15 DISPOSAL DATA. THERE CAN BE A VARIETY OF SOURCES. SO THERE
16 CAN BE CORRECTIONS IN THAT AS WELL, YES.

17 CHAIRMAN EATON: SO IF THERE WAS A CORRECTION WITH
18 REGARD TO DISPOSAL, WHERE THE DISPOSAL WENT UP -- AND THAT
19 HAS HAPPENED IN SOME CASES, HAS IT NOT?

20 MS. FRIEDMAN: YES, IT HAS.

21 CHAIRMAN EATON: DO WE THEN GET -- RECOUP THE
22 MONEY FOR THE INCREASED FEES? OR, HAVE WE? LET'S PUT IT
23 THAT WAY.

24 MS. FRIEDMAN: IF DISPOSAL WENT UP AND IT WAS
25 IDENTIFIED BY THE BOE, THEN OF COURSE THE FEES HAVE ALREADY
26 BEEN RECOUPED, WE HOPE.

27 CHAIRMAN EATON: BUT WE DON'T KNOW. RIGHT?
28 SENATOR?

29 MEMBER ROBERTI: ON ANOTHER POINT, HOW DO WE
30 HANDLE -- AND I KNOW IT'S COME UP -- BUT, HOW DO WE HANDLE
31 THIS -- SITUATIONS WHERE THE JURISDICTION HAS LITTLE
32 JURISDICTION OVER ANOTHER ENTITY? FOR EXAMPLE, FEDERAL
33 GOVERNMENT OR THE LARGEST PRISON IN THE STATE, OR SOMETHING
34 OF THAT NATURE?

35 MS. FRIEDMAN: ALL WASTE THAT'S GENERATED IN A
36 JURISDICTION IS PART OF THAT JURISDICTION'S RESPONSIBILITY.
37 AND IF IT ULTIMATELY -- WHEREVER IT IS ULTIMATELY DISPOSED,
38 IT IS TRACKED BACK TO THAT JURISDICTION OF ORIGIN.

39 MEMBER ROBERTI: SO IF THEY HAVE A LOT OF FEDERAL
40 INSTALLATIONS AND THE FEDERAL GOVERNMENT, YOU KNOW, SAYS,
41 YOU KNOW, TOUGH LUCK, IT'S STILL CHARGED AGAINST THAT
42 JURISDICTION.

43 MS. FRIEDMAN: YES. AND IT SOMETIMES HAS BEEN A
44 PROBLEM. WE'VE HAD CONCERNS RAISED FROM SOME -- SEVERAL
45 JURISDICTIONS ABOUT MILITARY OR OTHER KINDS OF FEDERAL, OR
46 EVEN STATE FACILITIES. AND IT'S SOMETHING THAT WE CONTINUE
47 TO WORK ON WITH THOSE ENTITIES.

48 CHAIRMAN EATON: GO AHEAD.

49 MS. FRIEDMAN: OKAY. THANKS.

1 SO, EVEN THOUGH THERE WERE BENEFITS TO AB
2 2494, AS JURISDICTIONS BEGAN TO IMPLEMENT THEY STARTED TO
3 IDENTIFY CONCERNS SUCH AS THE EFFECTS OF BASE-YEAR PROBLEMS
4 ON ESTIMATED GENERATION, AS WE SHOWED BEFORE.

5 AT THAT TIME THE PLANNING COMMITTEE THAT WAS
6 CURRENTLY IN PLACE ASKED STAFF TO BEGIN TO LOOK AT THESE
7 ISSUES THAT WERE COMING FORWARD. SO THE FIRST THING THAT WE
8 DID WAS, IN 1994 WE CONDUCTED A TELEPHONE SURVEY TO
9 DETERMINE HOW MEASUREMENT PROCESS WAS WORKING, AND WE
10 REPORTED THOSE CONCERNS THAT WERE RAISED IN THAT TELEPHONE
11 SURVEY BACK TO THE PLANNING COMMITTEE. WE WERE THEN
12 DIRECTED, BASED UPON THOSE RESULTS, TO PREPARE A MORE
13 COMPREHENSIVE SURVEY, AND IT WAS SENT TO THE JURISDICTIONS.

14 THE PROBLEMS THAT WERE IDENTIFIED IN THE
15 SURVEY -- AND THESE SHOULD SOUND FAMILIAR -- WERE LACK OF
16 SCALES AND BASE-YEAR; UNDERSTATING OF SELF-HAUL DISPOSAL
17 TONNAGE; BASE-YEAR AND REPORTING-YEAR ALLOCATIONS, THAT IS
18 DIVIDING THE TONNAGE UP BY INDIVIDUAL JURISDICTIONS IN A
19 COUNTY FOR EXAMPLE; AND, UNDERSTATING OF DIVERSION TONNAGE.
20 THESE WERE AMONG THE MAIN PROBLEMS IDENTIFIED IN THE
21 SURVEY.

22 AS A RESULT THE BOARD DIRECTED STAFF TO BEGIN
23 WORKING ON THIS ISSUE, AND DIRECTED THE FORMATION OF A
24 WORKING GROUP IN 1995. MEMBERS OF THE WORKING GROUP
25 INCLUDED 25 CITY AND COUNTY OFFICIALS, HAULERS, AND
26 CONSULTANTS, AND THERE WERE OVER 100 INTERESTED PARTIES THAT
27 WERE ON SORT OF A REVIEW GROUP, AND THEY RECEIVED MEETING
28 NOTES AND PERTINENT INFORMATION REGARDING THE DEVELOPMENT OF
29 THE PROCESS, AND THEN PROVIDED COMMENTS BACK TO THE WORKING
30 GROUP.

31 BASED UPON INPUT AND COMMENTS, AND ON THE
32 WORKING GROUP'S WORKING THROUGH THE VARIOUS OPTIONS, OR
33 METHODS TO RESOLVE MEASUREMENT ISSUES, THESE WERE DEVELOPED
34 AND PRESENTED TO THE BOARD. SOLUTION OPTIONS CONTAINED ROAD
35 MAP OF BOTH ACCEPTABLE AND UNACCEPTABLE METHODS FOR
36 CORRECTING MEASUREMENT INACCURACIES.

37 AND I'M GOING TO BRIEFLY GO OVER THE TYPES OF
38 METHODS TO RESOLVE THESE MEASUREMENT ISSUES. THREE ARE
39 SPECIFIC TO BASE-YEARS. ONE RELATES TO BOTH THE BASE-YEAR
40 AND THE REPORTING YEAR, AND ONE IS A REPORTING-YEAR ISSUE
41 ONLY.

42 THE FIRST ONE IS CORRECT EXISTING BASE-YEAR
43 DATA. THESE METHODS REQUIRE DOCUMENTED HISTORICAL DISPOSAL
44 AND DIVERSION INFORMATION. AND THE CORRECTED BASE-YEAR
45 REQUIRES BOARD APPROVAL -- AS YOU KNOW, YOU'VE BEEN IN THE
46 PROCESS OF LOOKING AT THOSE.

47 THE SECOND ONE IS REPLACE EXISTING --
48 CHAIRMAN EATON: WHAT KIND OF INFORMATION WOULD BE
49 DOCUMENTED HISTORICAL? IS THERE A MENU, OR IS IT JUST

1 WHATEVER THEY CAN PRODUCE?

2 MS. FRIEDMAN: IT'S WHAT THEY CAN PRODUCE, IT
3 INCLUDES WEIGHT TICKETS THAT THEY MAY HAVE. OR IN SOME
4 CASES WE WERE TALKING ABOUT HISTORICAL BOE DATA. SOMETIMES
5 BOE REPORTS UPDATES, AND THEY AREN'T NECESSARILY REPORTED
6 BUT THERE'S A RECONCILIATION PROCESS THAT CAN OCCUR.

7 CHAIRMAN EATON: HAVE WE EVER GOTTEN A SITUATION
8 WHERE WE HAVE WEIGHT TICKETS BUT THEY HAVE NO SCALES?

9 MS. FRIEDMAN: NOT THAT I KNOW OF. THAT WOULD BE
10 INTERESTING.

11 MEMBER JONES: ACTUALLY THAT'S A REAL PROBLEM,
12 BECAUSE WHAT THEY DO IS, IF THEY DON'T HAVE SCALES THEY DO
13 AN EQUATION. I MEAN, THEY'LL DO A CALCULATION.

14 MS. FRIEDMAN: RIGHT.

15 MEMBER JONES: AND THEY WILL PUT THE TONNAGE DOWN,
16 NOT THE YARDS.

17 MS. FRIEDMAN: UM-HUM.

18 MEMBER JONES: SO, YEAH, WE'LL GET -- WE CAN GET
19 THOSE, BECAUSE THAT'S THE WAY AN AWFUL LOT OF FACILITIES DID
20 IT.

21 MS. FRIEDMAN: YEAH. I THINK EARLIER I HAD
22 MENTIONED THAT ORIGINALLY WHEN -- ESPECIALLY WITH LANDFILLS
23 WITHOUT SCALES, THEY WOULD DO A VOLUME BASIS, AND THEN THEY
24 WOULD DO CONVERSION FACTORS, A VARIETY OF THEM APPLIED, TO
25 COME UP WITH TONNAGE. AND WE MIGHT NOT KNOW WHAT THEIR
26 ORIGINAL VOLUME IS AND -- AS MR. JONES IS INDICATING.

27 BUT WE WOULDN'T ACTUALLY GET WEIGHT TICKETS
28 FROM THOSE, WE WOULD JUST GET THEIR ESTIMATES. I HAVEN'T
29 SEEN ANY ACTUAL WEIGHT TICKETS, AND I DON'T THINK THE STAFF
30 HAS IN THOSE CASES.

31 MEMBER JONES: OKAY. BUT THAT'S WHAT THEY GOT AT
32 THE SCALE HOUSE. WHEN THEY WENT ACROSS THE SCALE HOUSE THEY
33 MADE THE -- THEY MADE A --

34 MS. FRIEDMAN: OH, I SEE WHAT YOU'RE SAYING.

35 MEMBER JONES: -- THING AND THEY SAID THERE --
36 THIS IS A 10-TON LOAD. BASED ON A --

37 MS. FRIEDMAN: OKAY. I SEE WHAT YOU'RE SAYING.

38 MEMBER JONES: BASED ON A CONVERSION.

39 MS. FRIEDMAN: A CONVERSION, YEAH. AND THERE WERE
40 A VARIETY OF CONVERSIONS, AND THEY WEREN'T ALWAYS, WELL,
41 REAL STANDARDIZED.

42 THE NEXT ONE IS REPLACE EXISTING BASE-YEAR
43 DATA WITH A NEW BASE-YEAR. THIS RELIES ON MORE ACCURATE
44 DISPOSAL REPORTING INFORMATION AND UP-TO-DATE DIVERSION
45 INFORMATION. THIS NEW BASE-YEAR REQUIRES BOARD APPROVAL.

46 THE NEXT ONE IS MEASURE GENERATION ANNUALLY.
47 IN THIS CASE THERE'S REALLY NO NEED FOR A BASE-YEAR, PER
48 SE, BECAUSE YOU MEASURE DISPOSAL AND DIVERSION EACH YEAR.
49 IT'S REALLY THE PRE-2494 METHOD. IT RELIES ON MORE ACCURATE

1 DISPOSAL REPORTING INFORMATION AND UP-TO-DATE DIVERSION
2 INFORMATION, AND IT EXCEEDS THE INFORMATION REQUIRED BY LAW.
3 WE DO HAVE SOME JURISDICTIONS THAT CHOOSE TO MEASURE
4 ANNUALLY.

5 AGAIN, THE NEXT TWO -- WELL, NUMBER FOUR IS
6 FORMER REGIONAL AGENCY. THIS CAN RELATE TO BOTH BASE-YEAR
7 AND REPORTING-YEAR, BUT IS NOT JUST SPECIFIC TO BASE-YEAR.
8 THIS REDUCES ALLOCATION TO JURISDICTION ERRORS, BECAUSE NO
9 LONGER DO YOU NEED TO ALLOCATE OUT TO THE INDIVIDUAL
10 JURISDICTIONS. AND REGIONAL AGENCY DOES REQUIRE BOARD
11 APPROVAL, AND IT MUST MEET STATUTORY CONDITIONS. THERE HAVE
12 BEEN 13 REGIONAL AGENCIES THAT THE BOARD HAS APPROVED,
13 COMPRISING 73 JURISDICTIONS.

14 FINALLY, REVISED REPORTING YEAR. CHAIRMAN
15 EATON DID ASK QUESTIONS ABOUT CORRECTIONS IN REPORTING YEAR,
16 AND THIS IS A CASE -- THESE ALLOW METHODS TO CORRECT THOSE,
17 THOSE ERRORS IN THE REPORTING-YEAR. THIS DOESN'T PERTAIN
18 SPECIFICALLY TO THE BASE-YEAR, HOWEVER.

19 SO, ALMOST EXACTLY TWO YEARS AGO, ON MARCH
20 27TH, THE BOARD APPROVED AGENDA ITEM NO. 32, CONSIDERATION
21 OF THE MEASUREMENT ACCURACY ISSUES, WORKING GROUPS,
22 RECOMMENDATIONS FOR CORRECTING BASE-YEAR AND/OR REPORTING-
23 YEAR INACCURACIES. THIS INFORMATION WAS DISSEMINATED TO
24 LOCAL JURISDICTIONS, AND SINCE THAT TIME IT HAS BEEN
25 UTILIZED.

26 BEFORE I PROVIDE A STATUS OF BOARD ACTIONS
27 I'M GOING TO GO OVER BRIEFLY HOW A BASE-YEAR ISSUE
28 ULTIMATELY ENDS UP AS AN AGENDA ITEM FOR YOUR CONSIDERATION.

29 FIRST, THERE ARE THREE MAIN WAYS A BASE-YEAR
30 ISSUES ARE IDENTIFIED. ANNUAL REPORTS THAT JURISDICTIONS
31 SUBMIT EACH AUGUST, AFTER THE BOARD APPROVAL OF A SOURCE
32 REDUCTION RECYCLING ELEMENT, ARE PROVIDED. AND WHEN STAFF
33 REVIEWS THE ANNUAL REPORT AND SEES ERRORS OR PROBLEMS IN THE
34 NUMBERS, THIS IS ONE YEAR THAT BASE-YEAR ISSUES COULD BE
35 IDENTIFIED.

36 ANOTHER WAY IS WHEN A LOCAL JURISDICTION
37 IDENTIFIES THAT THEY HAVE PROBLEMS IN THE SUBMITTAL OF THEIR
38 ANNUAL REPORT.

39 AND THEN A THIRD WAY IS WHEN A LOCAL
40 JURISDICTION IDENTIFIES PROBLEMS OUTSIDE THE ANNUAL REPORT
41 PROCESS.

42 SO, ONCE THE PROBLEMS ARE IDENTIFIED,
43 JURISDICTION OFTEN WILL DISCUSS WITH STAFF WHAT NEEDS TO BE
44 DONE AND HOW -- WHAT PROCESSES CAN BE USED. AND, AGAIN,
45 THEY'RE FOLLOWING THE POLICY THAT WAS ADOPTED BY THE BOARD.
46 THE JURISDICTION SUBMITS REVISIONS. THE BOARD STAFF REVIEW
47 THOSE REVISIONS, AND STAFF VERIFY -- THEY LOOK TO SEE WHAT
48 METHOD WAS USED, THEY LOOK TO SEE THE MATH, THEY ANALYZE THE
49 LOGIC, HAVE THEY PROVIDED REAL INFORMATION THAT MEETS

1 ACCEPTABLE STANDARDS.

2 IF, UPON THAT REVIEW, THERE IS AN AGREEMENT
3 THAT STAFF FEEL THAT THEY'VE MET THOSE STANDARDS, THEN THAT
4 ITEM IS PREPARED AS AN AGENDA ITEM TO BE TAKEN TO THE BOARD.
5 IF THERE IS DISAGREEMENT AT THAT POINT WE SIT DOWN WITH THE
6 JURISDICTION AND WE SEND BACK INFORMATION, AND TALK ABOUT
7 WHAT NEEDS TO BE DONE TO MEET ACCEPTABLE STANDARDS.
8 ULTIMATELY, IF THAT JURISDICTION CONTINUES TO PURSUE, AND
9 HAS ADDITIONAL INFORMATION THAT MEETS ACCEPTABLE STANDARDS,
10 AN AGENDA ITEM IS PREPARED.

11 NOW I'M GOING TO PROVIDE A REVIEW OF WHAT
12 ACTIONS THE BOARD HAS TAKEN TO DATE. THE BOARD HAS APPROVED
13 SOME 94 LOCAL JURISDICTIONS' REQUEST TO IMPROVE BASE-YEARS
14 FOR ACCURACY. EIGHTY-SIX OF THOSE HAVE CORRECTED BASE-YEAR
15 DATA; EIGHT OF THOSE HAVE BEEN NEW BASE-YEARS.

16 AGAIN, IN ADDITION, WE'VE ALSO LOOKED AT 13
17 REGIONAL AGENCIES, COMPRISING 73 JURISDICTIONS, FOR MOSTLY
18 ALLOCATION ISSUES.

19 TO GIVE YOU A FEW STATS ON THE ACTIONS OF
20 THOSE 86, AND THE EIGHT. FOR THE EIGHT NEW BASE-YEARS, ONE
21 OF THOSE RESULTED IN NO CHANGE IN THE DIVERSION TONNAGE IN
22 THE GOAL YEAR. ONE RESULTED IN A NINE PERCENT REDUCTION IN
23 THE DIVERSION IN THE GOAL YEAR. FOUR HAD INCREASES OF
24 SOMEWHERE BETWEEN 25 AND 30 PERCENT. AND TWO, WE HAVE
25 INSUFFICIENT DATA BECAUSE THE BASE-YEAR NUMBERS WERE SO
26 PROBLEMATIC.

27 SO THOSE ARE THE --

28 CHAIRMAN EATON: BUT THEY STILL GOT APPROVAL?

29 MS. FRIEDMAN: THEY GOT APPROVAL BECAUSE THEY
30 PROVIDED ACCURATE, NEW BASE-YEAR. REMEMBER, THEY DID A NEW
31 DISPOSAL --

32 MEMBER JONES: THEY WENT TO '96 OR '97.

33 MS. FRIEDMAN: AND GOT --

34 MEMBER JONES: THAT'S THE BASE YEAR, AS OPPOSED TO
35 --

36 MS. FRIEDMAN: -- OR '95 OR WHATEVER, RIGHT.

37 MEMBER JONES: AS OPPOSED TO CORRECTING '90.

38 MS. FRIEDMAN: RIGHT. THEY DIDN'T GO BACK AND
39 CORRECT IT, THEY CREATED A NEW BASE-YEAR.

40 MEMBER JONES: CREATED A NEW BASE-YEAR. ALL
41 RIGHT.

42 MS. FRIEDMAN: SO THEY DID A NEW GENERATION STUDY.

43 CHAIRMAN EATON: AND THEY -- THAT WAS AN INCREASE?
44 WHAT HAPPENED IN THOSE TWO?

45 MS. FRIEDMAN: THERE WAS -- WE DON'T HAVE DATA ON
46 WHAT THEY ORIGINALLY HAD, SO WE DON'T KNOW WHETHER IT WAS AN
47 INCREASE OR NOT.

48 OKAY. AND THE ONES, THE 86 THAT WERE BASE-
49 YEAR CHANGES -- IN OTHER WORDS, THEY WENT BACK AND CORRECTED

1 THEIR BASE-YEARS.

2 THIRTEEN RESULTED IN A REDUCTION IN THE GOAL
3 YEAR: THREE OF THOSE WERE ABOUT A ONE-PERCENT REDUCTION;
4 EIGHT WERE A TWO- TO EIGHT-PERCENT REDUCTION; AND TWO WERE
5 GREATER THAN 28-PERCENT REDUCTION, SO THAT MEANT THAT THEY
6 WENT TO -- THEIR NUMBER IN THE GOAL YEAR REDUCED BY THOSE
7 PERCENTAGES. FOURTEEN OF THEM RESULTED IN AN INCREASE, AND
8 ABOUT A HALF OF THOSE WERE SOMEWHERE BETWEEN ONE AND 20
9 PERCENT; FIFTEEN OF THEM WERE BETWEEN ONE AND FIVE PERCENT
10 INCREASE. SIXTEEN OF THE 86, NO CHANGES WHATSOEVER, BETWEEN
11 THE BASE-YEAR AND THE GOAL-YEAR. AND 16, WE HAVE
12 INSUFFICIENT DATA.

13 ANY QUESTIONS?

14 CHAIRMAN EATON: QUESTIONS?

15 MEMBER JONES: HAVE WE EVER TAKEN -- OKAY, WE KNOW
16 IN 1990, FROM THE BOE, WHAT THE AMOUNT OF DISPOSAL TONNAGE
17 WAS THAT WAS REPORTED. CORRECT?

18 MS. FRIEDMAN: CORRECT. IN MOST CASES.

19 MEMBER JONES: ALL RIGHT. WHEN WE DO THIS --
20 WELL, I MEAN STATEWIDE.

21 MS. FRIEDMAN: YES.

22 MEMBER JONES: WE HAVE A NUMBER.

23 MS. FRIEDMAN: YES, THAT'S CORRECT.

24 MEMBER JONES: HAVE WE EVER LOOKED AT THE DISPOSAL
25 PORTION OF THE WASTE GENERATION STUDIES, TOTALED THOSE UP TO
26 COMPARE AGAINST WHAT THE BOE NUMBER WAS? I THINK YOU GUYS
27 DID THAT.

28 MS. FRIEDMAN: I BELIEVE WE HAVE, YES.

29 MEMBER JONES: AS WE MAKE ADJUSTMENTS IN THE BASE-
30 YEAR DO WE KEEP THOSE FACTORS -- DO WE KEEP LOOKING AT THAT?

31 BECAUSE, WHAT SCARES ME IS, IF WE HAD 40
32 MILLION TONS OF DISPOSAL IN 1990 -- AND I DON'T KNOW WHAT
33 THE NUMBER IS, SO I'LL JUST SAY 40 -- AND WHEN WE DID THE
34 ORIGINAL BASE-YEARS AND LOOKED AT THE DISPOSAL, AND WE WERE
35 AT 38 MILLION, WE KNOW WE GOT TWO MILLION WORTH OF
36 UNALLOCATED.

37 MS. FRIEDMAN: I MEAN.

38 MEMBER JONES: IF, THROUGH ALL THESE BASE-YEARS
39 ARE WE GOING -- ARE WE UP TO 45 OR 50 MILLION?

40 MS. FRIEDMAN: WELL --

41 MEMBER JONES: AND I THINK THAT WOULD BE A CHECK
42 THAT WE NEED TO MAKE --

43 MS. FRIEDMAN: SURE.

44 MEMBER JONES: -- SO THAT WE KNOW THAT WE'RE NOT
45 GIVING AWAY TONNAGES?

46 MS. FRIEDMAN: RIGHT. ONE OF THE -- LET ME TALK
47 ABOUT THAT, I THINK THAT'S A GOOD QUESTION TO ASK. ONE OF
48 THE ISSUES WE HAVE IS BASE-YEARS VARY. THERE IS A MYTH THAT
49 ALL BASE-YEARS WERE 1990, OR ALL BASE-YEARS WERE '91, OR ALL

1 -- THEY'VE REALLY VARIED, THEY'VE VARIED FROM '90, '91, '92.
2 SO, PICKING A SINGLE YEAR TO MAKE THAT COMPARISON IS
3 PROBLEMATIC.

4 WE DO NOT DO A ONE-TO-ONE CALCULATION ALONG
5 THE WAYS -- LINES YOU'RE TALKING ABOUT, BUT WE DO TRY TO
6 GUESSTIMATE OR EYEBALL THAT SO THAT WE DON'T GET TOO FAR
7 AFIELD. BUT, YOU KNOW, SINCE BASE-YEARS ARE SO, YOU KNOW,
8 VARIABLE, WE DON'T HAVE ONE YEAR THAT WE CAN CHECK IT
9 AGAINST.

10 MEMBER JONES: WHAT IF WE DID THE THREE YEARS --
11 TOOK THE THREE YEARS OF BASE-YEAR AND TOOK THE THREE YEARS
12 OF BOE AND AVERAGED THEM? YOU KNOW?

13 SOMETHING THAT ENDS UP TELLING US -- BECAUSE,
14 I FEEL BAD FOR THE JURISDICTIONS THAT HAD CONSULTANTS THAT
15 ADVISED THEM CERTAIN WAYS. OKAY? I DON'T BUY THAT ALL OF
16 THIS IS SELF-HAUL TONNAGE, I KNOW BETTER. OKAY? THERE IS -
17 - YOU KNOW, THERE ARE PROBLEMS WITH SELF-HAUL TONNAGE, BUT
18 THERE ARE MORE PROBLEMS WITH -- IN SOME JURISDICTIONS WITH
19 CONSULTANTS THAT GAMED THE SYSTEM. AND YOU KNOW IT.

20 I MEAN, I'VE SAID IT BEFORE, THEY ALLOCATED -
21 - THE STATE AVERAGE WAS 7.2 POUNDS PER PERSON, AND WHEN YOU
22 WERE MEASURING DIVERSION THEY BROUGHT IT DOWN TO 5.3 OR 4.8,
23 AND SAID, YOU KNOW, WE'RE DIVERTING ALREADY 22 PERCENT, EVEN
24 IF THEY WEREN'T. SO, IT MINIMIZED THE AMOUNT OF PROGRAMS
25 THEY HAD TO DO, TO LOGICALLY BE ABLE TO GET INTO THAT 25
26 PERCENT BRACKET. AND THE PERSON THAT'S PAYING FOR THAT ARE
27 THE CITIES. YOU'VE HEARD THIS BEFORE. I'VE ACTUALLY HAD
28 ONE OF THOSE CONSULTANTS AT THE DAIS ONE TIME. AND -- OR AT
29 THE -- WHATEVER YOU CALL THAT THING.

30 SO, I THINK THAT WE NEED TO FIGURE OUT A WAY
31 TO TAKE THESE BASE-YEAR NUMBERS -- AND WHETHER IT'S AN
32 AVERAGE OR SOMETHING, LOOK AT WHAT BOE NUMBERS, HOW THAT
33 COMPARISON IS. BECAUSE, SIMILAR TO THE L.A. COUNTY FIX THAT
34 WENT IN, THE BOARD DIRECTED THAT ANY JURISDICTIONS THAT COME
35 IN FROM L.A. COUNTY FOR BASE-YEAR, THAT IT COME OUT OF THAT
36 POOL SO THAT WE.... I THINK EVERYBODY AGREED THAT IT WAS,
37 WHAT, 3.5, 5.3, WHATEVER THE NUMBER --

38 MS. FRIEDMAN: IT WAS A TOTAL OF FOUR MILLION.

39 MEMBER JONES: FOUR MILLION TONS. THAT WE DIDN'T
40 GIVE AWAY BASE-YEAR ADJUSTMENTS THAT TOTALED FIVE MILLION
41 TONS. SO, IT HAD TO COME OUT OF THAT FOUR MILLION TONS
42 BECAUSE THAT WAS, BY ALL NUMBERS, PRETTY REASONABLE.

43 AND STATEWIDE, I THINK WE NEED TO DO THE SAME
44 THING. I MEAN, WHEN S-R -- I MEAN, WHEN GENERATION STUDIES
45 WERE PUT FORWARD THAT SAID THAT 40-YARD PACKER FRONT LOADERS
46 EQUATED TO A HUNDRED POUNDS PER CUBIC YARD -- THAT'S A JOKE.
47 I MEAN, THERE IS NOBODY IN THIS AUDIENCE THAT DOES BUSINESS
48 IN HERE THAT UNDERSTANDS THAT YOU DON'T -- I MEAN, LOOSE
49 GARBAGE WEIGHS 217 POUNDS. YOU KNOW?

1 SO, TO MAKE THAT AS A BASIS FOR A CITY TO
2 DETERMINE WHAT THEIR BASE-YEAR IS, IS WRONG. AND WE NEED TO
3 FIX THAT. BUT WE NEED MORE FACTS. YOU KNOW?

4 I MEAN, WE NEED TO HAVE -- WE NEED TO COME UP
5 WITH A WAY THAT WE GET MORE INFORMATION TO HELP THESE CITIES
6 AND COUNTIES SO THAT WE CAN LOOK AT WHAT THAT -- WHAT THAT
7 BASIS WAS, YOU KNOW, OF HOW THEY CAME UP WITH THESE
8 ERRONEOUS NUMBERS, AND JUST PUT SOME COMMON SENSE TO HOW WE
9 DO THOSE -- YOU KNOW, HOW WE DO THE EVALUATIONS TO SEE
10 WHAT'S FAIR AND WHAT ISN'T FAIR. AND I THINK WE CAN FIX
11 SOME OF THIS STUFF.

12 BUT YOU KNOW I GET NERVOUS WHEN SOMEBODY'S --
13 COMES IN FOR A BASE-YEAR AND THEY SHOW A 1600 PERCENT
14 INCREASE IN DIVERSION, AND A TWO PERCENT INCREASE IN
15 GENERATION, AND THREE PERCENT IN DISPOSAL. THAT'S -- THAT'S
16 A STRETCH FOR ANYBODY'S IMAGINATION, TO THINK THAT THEIR
17 PROGRAMS WERE THAT AWESOME. AND WE CAN'T -- YOU KNOW, I
18 MEAN, THAT'S JUST GOING TO KEEP BEING A PROBLEM FOR ME,
19 ANYWAY, WHEN THESE COME FORWARD.

20 MS. FRIEDMAN: WELL, WE CERTAINLY CAN LOOK AT
21 DIFFERENT OPTIONS ALONG THOSE LINES. WE CAN ALSO LOOK AT
22 PERHAPS MAYBE A COUNTYWIDE TOTAL, YOU KNOW, TAKE IT DOWN
23 FROM THE STATEWIDE TO EVEN GET IT FURTHER REFINED. WE CAN
24 LOOK AT DIFFERENT OPTIONS, COME BACK WITH THAT IDEA.

25 CHAIRMAN EATON: WELL, I THINK IT WOULD BE HELPFUL
26 TO HAVE THOSE TWO, BOTH A COUNTYWIDE AND A STATEWIDE, AS WE
27 BEGIN THE 1066 PROCESS. WE THEN CAN MAKE A BETTER
28 DETERMINATION. SO I THINK, YOU KNOW, WITHOUT OBJECTION, I
29 THINK WE WOULD LIKE TO HAVE THAT HAPPEN.

30 MS. FRIEDMAN: WE WILL LOOK AT THE VARIETY OF
31 OPTIONS THAT ARE AVAILABLE IN THIS ARE AND COME BACK WITH
32 SOME IDEAS.

33 CHAIRMAN EATON: IDEAS ABOUT HOW TO DO IT, OR
34 IDEAS -- OR...?

35 MS. FRIEDMAN: WELL, MY STAFF WERE TELLING ME THAT
36 THERE'S PROBLEMS WITH LOOKING AT THE COUNTYWIDE NUMBERS, SO
37 I MISSPOKE. WE CAN LOOK AT KIND OF DIVERSION ON A
38 COUNTYWIDE BASIS, BUT WHEN YOU START LOOKING -- DIFFERENT
39 COUNTIES DON'T -- IT'S BECAUSE OF THE WAY WASTE FLOWS AND
40 YOU USE DIFFERENT LANDFILLS. SO, YOU HAVE --

41 CHAIRMAN EATON: OKAY. IF COUNTY'S A PROBLEM HOW
42 ABOUT STATEWIDE?

43 MS. FRIEDMAN: STATEWIDE WE CAN DO.

44 CHAIRMAN EATON: OKAY.

45 MS. FRIEDMAN: OKAY. SO, MOVING ON, I'D LIKE TO
46 FOCUS A LITTLE BIT ON RELATED ISSUES THAT ARE AFFECTED BY
47 BASE-YEAR POLICY.

48 SINCE LAST YEAR, AND CURRENTLY, THE BOARD HAS
49 BEEN CONDUCTING BIENNIAL REVIEW, JUST -- AND THIS IS WHERE

1 WE EVALUATE THE JURISDICTIONS' PROGRESS IN IMPLEMENTING
2 DIVERSION PROGRAMS TO MEET THE DIVERSION REQUIREMENTS AND
3 STATUTE. THIS IS WHERE WE SEE IF JURISDICTIONS MET 25
4 PERCENT, AND IF THEY'RE IMPLEMENTING PROGRAMS TO DO SO.

5 THERE IS A TOTAL OF 458 BIENNIAL REVIEWS.
6 AND, REMEMBER, I SAID THERE'S 13 REGIONAL AGENCIES
7 COMPRISING 73 JURISDICTIONS, SO THIS TAKES THE TOTAL NUMBER
8 OF JURISDICTIONS AND SUBTRACTS THOSE OUT FOR A TOTAL OF 458.
9 THIS INFORMATION -- TO CONDUCT THE BIENNIAL REVIEW WE NEED
10 TO RELY ON BASE-YEAR AND REPORTING-YEAR MEASUREMENT.

11 TO DATE THE BOARD HAS APPROVED 274 BIENNIAL
12 REVIEWS. 271 OF THOSE HAVE MET, EXCEEDED, OR MADE A GOOD-
13 FAITH EFFORT TO REACH 25 PERCENT DISPOSAL REDUCTION. THREE
14 ARE ON COMPLIANCE ORDERS, AS YOU KNOW. TWO-THIRDS OF THESE
15 HAD NO BASE-YEAR ADJUSTMENTS, AND ONE-THIRD HAD BASE-YEAR
16 ADJUSTMENTS. AND THAT'S THE 86 PLUS EIGHT NEW BASE-YEARS.

17 THERE ARE 14 ADDITIONAL BIENNIAL REVIEWS ON
18 THIS AGENDA, BRINGING THE TOTAL UP TO 288.

19 THERE ARE -- 70 MORE BIENNIAL REVIEWS ARE
20 CURRENTLY IN PREPARATION UNDER STAFF REVIEW, AND MEASUREMENT
21 STATUS IS NOT YET KNOWN. WE EXPECT SOME OF THESE TO HAVE
22 MEASUREMENT PROBLEMS.

23 THERE ARE A HUNDRED JURISDICTIONS' BIENNIAL
24 REVIEWS THAT ARE NOT YET BEING CONSIDERED BY THE BOARD
25 BECAUSE OF MEASUREMENT ISSUES. TWENTY OF THOSE
26 JURISDICTIONS HAVE SUBMITTED MEASUREMENT FIXES UNDER THE
27 EXISTING POLICY, AND 80 JURISDICTIONS HAVE NOT SUBMITTED
28 MEASUREMENT FIXES.

29 MANY JURISDICTIONS, INCLUDING THOSE WITH
30 MEASUREMENT PROBLEMS, HAVE INDICATED INTEREST IN A PETITION
31 FOR TIME EXTENSION OR A REDUCED GOAL AS ALLOWED UNDER
32 STATUTE KNOWN AS SB 1066. ONE OF THE SB 1066 REVIEW
33 CRITERIA IS ACHIEVEMENT OF THE 1995 DIVERSION REQUIREMENT
34 AND CURRENT PERFORMANCE. AT LEAST A HUNDRED JURISDICTIONS
35 WOULD NOT CURRENTLY BE ABLE TO MEET THAT CRITERIA BECAUSE OF
36 THEIR NUMBER PROBLEMS.

37 SO, IN SUMMARY, THERE ARE NEXT STEPS THAT
38 NEED TO BE TAKEN, AND YOUR GENERAL DIRECTION IS SOLICITED IN
39 THREE MAIN AREAS.

40 ONE, STATUS OF CURRENT POLICY, YOU KNOW, THE
41 POLICY BEING IN PLACE FOR A COUPLE OF YEARS NOW, '94 PROCESS
42 TO DATE. WE'RE SEEKING GUIDANCE ON WHETHER WE STAY WITH THE
43 EXISTING POLICY OR MODIFY IT.

44 TWO, THE DISPOSITION OF THE HUNDRED-PLUS
45 BIENNIAL REVIEWS WITH MEASUREMENT ISSUES. WE CAN'T COMPLETE
46 THE BIENNIAL REVIEW WITHOUT RESOLVING THE NUMBER PROBLEMS,
47 AND WE'D LIKE YOUR GUIDANCE ON HOW WE SHOULD PROCEED.

48 AND, THREE, IMPLEMENTATION OF SB 1066. HOW
49 WOULD THE BOARD LIKE TO SEE US PROCEED WITH IMPLEMENTATION,

1 GIVEN THE HUNDRED-PLUS JURISDICTION DIVERSION NUMBERS ARE
2 UNKNOWN AT THIS TIME.

3 AND THIS REALLY CONCLUDES MY PRESENTATION. I
4 HOPE I'VE PROVIDED INFORMATION WHICH HELPS FACILITATE THE
5 DISCUSSION. AND I AND MY STAFF ARE AVAILABLE TO FURTHER
6 ANSWER ANY OF YOUR QUESTIONS.

7 CHAIRMAN EATON: BEFORE WE ENTERTAIN QUESTIONS, I
8 SHOULD REMIND EVERYONE WHO'S IN THE AUDIENCE THAT THERE'S
9 SLIPS AT THE BACK AND IF YOU DESIRE TO SPEAK ON THIS ISSUE,
10 OR ANY OTHER ISSUE, IF YOU'D KINDLY FILL THEM OUT, MARK THE
11 ITEM NUMBER AND THEN BRING IT FROWARD TO MS. DOMINGUEZ HERE
12 ON MY LEFT, AND ON YOUR RIGHT, SO WE CAN TAKE YOUR COMMENTS.
13 ANY QUESTIONS, COMMENTS?

14 MEMBER JONES: I HAVE A QUESTION.

15 CHAIRMAN EATON: MR. JONES.

16 MEMBER JONES: ON THE DISPOSITION OF THE HUNDRED-
17 PLUS, WITH MEASUREMENT ISSUES, GIVE ME A LITTLE FLAVOR FOR
18 WHAT THE -- YOU KNOW, WHAT'S THE ROOT OF THE PROBLEM FOR
19 THESE HUNDRED THAT WE -- THAT YOU CAN'T GO ANY FURTHER ON,
20 OR THAT YOU'RE TRYING TO FIGURE OUT WHAT TO DO NEXT.

21 MS. FRIEDMAN: WELL, MAINLY THEY'RE BASE-YEAR
22 PROBLEMS, THEY NEED TO USE ONE OF THE METHODS TO CORRECT
23 THEM.

24 I DON'T KNOW HOW MANY OF THOSE WANTED -- LOOK
25 FOR NEW BASE-YEARS. WE DO HAVE A FEW THAT HAVE ASKED FOR A
26 NEW BASE-YEAR OR HAVE DONE A NEW GENERATION STUDY.

27 MEMBER JONES: ALL RIGHT. SO WE HAVE A HUNDRED
28 THAT CAN'T BE FIXED?

29 MS. FRIEDMAN: NO, IT'S NOT THAT THEY CAN'T BE
30 FIXED, THEY'RE JUST WAITING -- THEY HAVE NOT YET COME -- 80
31 OF THEM HAVE NOT YET COME FORWARD FOR FIXES. AND THEY ARE -
32 - ESSENTIALLY, AT THIS POINT, WE'RE WAITING TO SEE WHAT THE
33 BOARD'S POLICY WILL BE IN THIS AREA, TOO, SO.

34 MEMBER JONES: OKAY. BUT HAVE THEY REQUESTED A
35 FIX?

36 MS. FRIEDMAN: NO.

37 MR. CHANDLER: LET ME INTERJECT --

38 MS. FRIEDMAN: TWENTY HAVE REQUESTED A FIX.

39 MR. CHANDLER: -- HERE, BECAUSE I -- WHEN I GOT
40 THE BRIEFING ON THIS IS, WHAT I UNDERSTOOD IS MAYBE IT'S 80,
41 MAYBE IT'S A HUNDRED -- THAT THE NUMBERS ARE
42 INCOMPREHENSIBLE BY STAFF'S REVIEW. WE SENT THEM A LETTER
43 INDICATING WE CAN'T MAKE HEAD NOR TAILS OF YOUR NUMBERS, AND
44 THEY HAVEN'T RESPONDED BACK.

45 IS THAT CORRECT, JUDY, THAT THEY HAVE NOT YET
46 AVAILED THEMSELVES OF GOING DOWN THE PATH OF SEEKING ONE OF
47 THE MEASUREMENT --

48 MS. FRIEDMAN: I THINK IN SOME CASES -- I MEAN, IF
49 YOU'RE TALKING ABOUT LIKE AN OFFICIAL RESPONSE PERHAPS

1 THAT'S CORRECT.

2 BUT I THINK IN SOME CASES, IN MANY CASES
3 THEY'VE SAID, OKAY, WE WANT TO DO SOMETHING, WE'RE SORT OF
4 WAITING FOR WHAT THE BOARD IS LOOKING AT, AT THIS POINT.

5 MR. CHANDLER: WELL, BUT THERE'S ALREADY FOUR
6 OPTIONS WHICH THEY COULD, UNDER THE OLD POLICY --

7 MS. FRIEDMAN: AND THEY HAVE NOT SUBMITTED ANY
8 OFFICIAL REQUEST.

9 MR. CHANDLER: OKAY. THAT'S WHAT I WAS TRYING --

10 MS. FRIEDMAN: YES. YOU ARE RIGHT.

11 MR. CHANDLER: THAT'S THE POINT I'M TRYING TO GET
12 AT, THEY HAVE NOT STARTED DOWN THE PATH OF THE OLD POLICY.
13 AND IN MY OPINION THE BALL'S STILL IN THEIR COURT.

14 BUT I THINK THE STAFF'S FEELING THAT WE NEED
15 TO DO SOMETHING TO HELP THEM ALONG, AND WHAT SHOULD WE DO
16 WITH THE JURISDICTION THAT (A) HAS INCOMPREHENSIBLE NUMBERS,
17 AND (B) HASN'T FORMALLY SUBMITTED A GAME PLAN, IF YOU WILL,
18 ON HOW THEY'RE GOING TO CORRECT THEIR NUMBERS IN ONE OF THE
19 FOUR AREAS THAT THE BOARD'S ALREADY OUTLINED IS -- IN A
20 PREVIOUS POLICY IS AVAILABLE TO THEM.

21 SO, I MEAN, I DON'T HAVE A LOT OF SYMPATHY
22 FOR THAT JURISDICTION.

23 MEMBER JONES: RIGHT.

24 MR. CHANDLER: BUT THERE IS -- THE QUESTION I
25 THINK IS TO WHAT EXTENT DO WE CONTINUE TO OUTREACH WITH
26 THESE HUNDRED JURISDICTIONS, IN LIGHT OF THE CONFUSING
27 NUMBERS AND THE LACK OF A RESPONSE?

28 CHAIRMAN EATON: MR. JONES.

29 MEMBER JONES: THE HUNDRED THAT ARE
30 INCOMPREHENSIBLE NUMBERS -- OKAY? -- I DON'T KNOW WHAT THAT
31 LOOKS LIKE, I DON'T KNOW IF THAT MEANS THEY'RE AT MINUS 60
32 PERCENT, THEY'RE MINUS 300 PERCENT --

33 MS. FRIEDMAN: YES, MINUS 600 PERCENT, MINUS --

34 MEMBER JONES: MINUS 600 PERCENT. SO YOU'VE
35 OFFERED TO BE OF AN ASSISTANCE TO TRY TO FIX THESE NUMBERS.

36 MS. FRIEDMAN: TO SHOW THEM HOW THEY CAN AVAIL
37 THEMSELVES OF THE TOOLS TO DO THAT.

38 MEMBER JONES: AND THEY HAVEN'T RESPONDED BACK.

39 MS. FRIEDMAN: IT'S A VARIETY, IT'S -- NEGOTIATION
40 PROCESS IS REALLY THE HOW -- THE BEST WAY TO DESCRIBE IT IN
41 MANY CASES. BUT THEY HAVE NOT SUBMITTED ANYTHING FORMAL,
42 THAT'S CORRECT.

43 MEMBER JONES: OKAY. BUT THEY'VE SENT IN A
44 BIENNIAL REVIEW.

45 MS. FRIEDMAN: AN ANNUAL REPORT.

46 MEMBER JONES: OR AN ANNUAL REPORT.

47 MS. FRIEDMAN: CORRECT.

48 MEMBER JONES: OKAY. BECAUSE, I MEAN, ARE THEY --
49 ARE THESE CITIES WAITING TO TEST THIS BOARD TO SEE IF --

1 WHAT WE'RE GOING TO DO? I MEAN, IF YOU'VE OFFERED TO HELP
2 THEM FIX IT, AND THEY HAVEN'T AVAILED THEMSELVES OF THAT
3 OFFER, NOW IS IT A CASE OF LET'S PUSH THESE GUYS AND SEE HOW
4 THEY'RE GOING TO ENFORCE THIS LAW, LET'S MAKE A CASE OUT OF
5 THIS?

6 MS. FRIEDMAN: YOU KNOW, IT'S REALLY HARD TO
7 PREDICT WHAT IS IN THEIR MIND ABOUT THIS, OR TO UNDERSTAND
8 THAT. I THINK THAT'S -- YOU KNOW, AND MAYBE THAT'S TRUE IN
9 SOME CASES. I THINK MAYBE IT'S JUST A MATTER OF WHATEVER
10 THEIR OTHER PRIORITIES ARE IN THEIR JURISDICTION.

11 I DON'T KNOW IF PAT WANTS TO ADD ANYTHING TO
12 IT.

13 MR. SCHIAVO: YEAH. WHAT WE'VE SEEN IS A VARIETY
14 OF DIFFERENT ISSUES. SOME ARE -- THERE MAY BE A WILLINGNESS
15 BUT THERE'S FINANCIAL CONSIDERATIONS. SOME CASES, THEY
16 PRETTY MUCH SAY, WELL, THEY'RE THE BOARD'S NUMBERS, WE NEED
17 TO FIX THEM. SOME CASES THEY DO HAVE PEOPLE THAT ARE
18 WORKING ON THEM RIGHT NOW ACTIVELY. IN OTHER CASES THERE'S
19 OTHER PRIORITIES AND THEY DON'T SEEM TO WANT TO MOVE
20 FORWARD. THEY DON'T SEEM TO -- THERE DOESN'T SEEM TO BE A
21 REAL DEADLINE FOR THEM, THEY'RE JUST HANGING OUT THERE, SO
22 FOR THEM IT'S MAYBE NOT A PRIORITY. IT'S A REAL MIX. AND
23 IN OTHER CASES THEY REALLY HAVE A WILLINGNESS AND THEY'RE
24 TRYING, AND WE'RE WORKING WITH THEM. OR, AND THERE ARE SOME
25 CASES WHERE --

26 I'M SORRY, PAT SCHIAVO OF THE OFFICE OF LOCAL
27 ASSISTANCE.

28 AND IN SOME CASES THEY SUBMITTED THEM AND WE
29 HAVE A DISAGREEMENT, WE DON'T -- WE HAVEN'T APPROVED WHAT
30 THEY DID BECAUSE THEY DON'T HAVE ANY SUBSTANTIATION OF
31 INFORMATION, AND SO WE'VE GONE BACK TO THEM TELLING THEM
32 THAT, SORRY, YOU JUST HAVE NOT GONE DOWN THE RIGHT PATH.
33 SO, IT'S A REAL VARIETY OF ISSUES.

34 MEMBER JONES: YOU KNOW, WE HAD A SB 1066
35 WORKSHOP, TWO OF THEM, ONE HERE, ONE IN SOUTHERN CALIFORNIA.
36 THE ONE HERE WAS PRETTY WELL ATTENDED, I THINK THE ROOM WAS
37 FILLED.

38 THE ONE IN SOUTHERN CALIFORNIA I DON'T THINK
39 HAD 10 CITIES, DID IT? I MEAN, WERE THERE 10? THERE WAS AN
40 OUTREACH TRYING TO FIGURE OUT HOW TO DO THAT FROM A GROUP IN
41 SOUTHERN CALIFORNIA THAT HELD AN ISSUES CONFERENCE PRIOR TO
42 OUR ISSUES CONFERENCE, AND LET US KNOW IN THE LETTER THAT 83
43 PERCENT OF THEIR ATTENDEES DISAPPROVED OF WHAT THIS BOARD
44 DOES.

45 SO, I AM WONDERING IF -- YOU KNOW, IF THIS IS
46 THE TIME THAT YOU -- IN ANY NEGOTIATION, OR IN ANY PROCESS
47 THERE ARE TIMES WHEN YOU GET TO PUSH AND SHOVE. AND, YOU
48 KNOW, IT'D BE NICE TO KNOW IF THESE HUNDRED ARE PUSH AND
49 SHOVE BECAUSE THIS LAW IS A LITTLE BIT TOO CRITICAL TO JUST

1 SIT THERE AND GET GAMED. AND I THINK WE NEED TO COME UP
2 WITH A GAME PLAN ON, YOU KNOW, WHETHER IT'S MANDATORY, YOU
3 KNOW, WORKSHOPS FOR THESE PEOPLE OR WHATEVER TO GET THESE
4 THINGS FIXED.

5 WE DEFINITELY NEED TO -- THIS MIGHT BE A GOOD
6 OPPORTUNITY TO COME UP WITH A PLAN TO -- FOR JURISDICTIONS
7 TO QUANTIFY THEIR PROGRAMS, QUANTIFY HOW MANY TRUCKS ARE ON
8 THE ROAD PACKING GARBAGE VERSUS HOW MANY TRUCKS ARE ON THE
9 ROAD HAULING SOURCE-SEPARATED MATERIALS. YOU KNOW, THAT'S
10 ONE OF THOSE THINGS WHERE WE GET THE CITIES THAT HAVE 10
11 GARBAGE TRUCKS DOING TWO LOADS A DAY, AND ONE TRUCK DOING A
12 CURBSIDE PROGRAM AND THEY SAY WE'RE AT 25 PERCENT. THE MATH
13 DOESN'T WORK. MAYBE THIS IS AN OPPORTUNITY TO HELP THEM
14 THROUGH SOME OF THAT STUFF BY HAVING THEM QUANTIFY MORE
15 INFORMATION FOR US SO THAT WE CAN BETTER HELP THEM
16 UNDERSTAND.

17 AND THEN LOOK AT WHAT THEIR BASIS WAS FOR
18 THEIR BASE-YEAR, YOU KNOW, DID SOMEBODY MAKE CALCULATIONS
19 INSTEAD OF A YARD OF GARBAGE WEIGHED A HUNDRED POUNDS, MAYBE
20 THAT'S THE WAY WE GET THEM UP TO WHAT THEY REALLY NEED, AND
21 WHAT -- AND THEY REALLY HAVE COMING TO THEM, AS FAR AS THE
22 REAL TONNAGE THAT THEY WERE GENERATING BACK IN '90 OR
23 WHATEVER.

24 BUT I THINK WE DEFINITELY NEED TO COME UP
25 WITH A PLAN THAT GETS A HECK OF A LOT MORE INFORMATION OUT
26 OF THEM THAN JUST FILLING OUT THE ANNUAL REPORT.

27 CHAIRMAN EATON: MR. PENNINGTON?

28 MEMBER PENNINGTON: NO, I'M FINE.

29 CHAIRMAN EATON: SENATOR ROBERTI?

30 I HAVE A COUPLE OF COMMENTS, SOME GENERAL,
31 AND THEN I THINK, YOU KNOW, I'D LIKE TO WRAP THIS UP WITHIN
32 THE NEXT 10 OR 15 MINUTES. WE HAVE SOME SPEAKERS AS WELL,
33 WE'VE GOT AN AGENDA AND SOME OTHER THINGS TO DO.

34 BUT I THINK FIRST AND FOREMOST, IT SHOULD BE
35 KNOWN THE REASON WHY WE'RE HAVING THE DISCUSSION TODAY, AS A
36 RESULT OF AT LEAST MY CONVERSATIONS WITH SEVERAL INDIVIDUALS
37 REGARDING THE PROLIFERATION OF BASE-YEAR ADJUSTMENTS -- AND,
38 QUITE FRANKLY, I'M NOT AFRAID OF THE MEDIA REPORTS THAT WERE
39 REPORTED IN THE PAPER RECENTLY.

40 MY GOAL HERE IS, I THINK THERE ARE A LOT OF
41 JURISDICTIONS THAT I'VE VISITED OR WHO HAVE HAD INTERACTION
42 WITH ME WHO HAVE DONE A REMARKABLE JOB. SOME OF THEM HAVE
43 NOT OBTAINED WHAT THEY WOULD LIKE TO OBTAIN, BUT THEY'VE
44 WORKED AT IT.

45 AND I JUST HAVE A SIXTH SENSE -- AND I
46 PERSONALLY SPEAK RIGHT HERE -- THAT SOME OF THESE
47 JURISDICTIONS ARE GETTING BY WITH NUMBER FIXES THAT AREN'T
48 DESERVING, AND THOSE -- ONCE THE 1066 PROGRAM TAKES PLACE
49 AND THEY COME IN WITH AN EXTENSION -- ARE GOING TO COME TO

1 LIGHT THREE OR FOUR YEARS DOWN THE ROAD. THEN WHAT DO WE
2 DO? I THINK WE NEED TO KIND OF LOOK AT IT NOW AND TALK
3 ABOUT IT.

4 SECOND AND FOREMOST, IT WAS EVEN MENTIONED
5 HERE, WITH MR. SCHIAVO -- AND I'M NOT DIRECTING THIS AT YOU
6 -- YOU MENTIONED OUR NUMBERS. WE HAVE NO NUMBERS. I MEAN,
7 I AM JUST -- I ALMOST PICKED UP ON MR. JONES, WE DO NOT HAVE
8 NUMBERS, THEY ARE NOT OUR NUMBERS. AND THE WAY WE ARE
9 PROCEEDING IS ONLY FALLING INTO THE TRAP THAT THEY ARE OUR
10 NUMBERS.

11 THEY HAVE TO PRODUCE THE NUMBERS. YOU HAVE
12 AN ACCEPTABLE POLICY OF FIXES. IF THEY DON'T MATCH IT, THEY
13 DON'T GET IT, IT'S THAT SIMPLE. AND I DON'T KNOW WHY WE ARE
14 CONTINUING TO MOVE IN THE DIRECTION -- AS REGARD TO THE
15 HUNDRED, IF THEY'RE NOT HERE, THEY'RE NOT HERE. THAT'S NOT
16 OUR JOB TO FIX THEIR PROBLEM, IT'S OUR JOB TO HELP THEM.
17 BUT IF THEY DON'T HAVE THE MATERIAL BY WHICH TO DO THAT,
18 THEN I DON'T THINK IT'S OUR OBLIGATION TO DO SO.

19 THERE'S JUST FAR TOO MANY JURISDICTIONS -- I
20 MEAN, WHEN I SEE OVER HALF OF THEM HAVE BAD NUMBERS OR
21 NUMBERS THAT ARE A PROBLEM, THAT TELLS ME SOMETHING DIDN'T
22 GO RIGHT SOMEWHERE DOWN THE ROAD. AND I THINK WE'RE GOING
23 TO GET CRITICIZED, AND I THINK WE'RE GOING TO GET LOOKED AT
24 FROM A NUMBER OF PLACES AS TO WHAT WE DID.

25 AND I JUST THINK IT'S UNFAIR TO THE
26 JURISDICTIONS WHO HAVE EITHER REACHED IT, EXCEEDED IT, OR
27 MAYBE SOME WHO ARE AT 23, CAN'T GET TO 25, BUT EVENTUALLY
28 THEY'RE GOING TO GET THERE. AND DON'T FORGET, THE ACTIONS
29 BY WHICH WE TAKE AND SAY THAT THEY HAVE GOOD-FAITH, THEY
30 WILL COME BACK DURING THE 1066 PROCESS AND SAY, WELL, YOU
31 ALREADY SAID WE HAD A GOOD-FAITH EFFORT, SO HOW CAN YOU NOW
32 SAY THAT WE DON'T HAVE A GOOD-FAITH EFFORT WHEN WE TRY AND
33 REACH THE 50 PERCENT. AND THAT'S EXACTLY THE PROBLEM I
34 THINK WE HAVE TO BE AWARE OF.

35 WITH REGARD TO THE ISSUES, HAD IT NOT BEEN
36 FOR US BRINGING THIS TO THE ATTENTION WHEN WERE WE GOING TO
37 KNOW ABOUT THE HUNDRED WITH THE BAD NUMBERS? WHEN WAS THAT
38 GOING TO COME TO THE BOARD?

39 MS. FRIEDMAN: WE HAD PREPARED AN ITEM TO BRING
40 FORWARD IN FEBRUARY ORIGINALLY, BUT IT WAS FELT THAT IT WAS
41 IMPORTANT TO LAY OUT THE BACKGROUND AND HISTORY OF THE BASE-
42 YEAR AND THE ISSUES PRIOR TO DOING THAT PARTICULAR ITEM.

43 CHAIRMAN EATON: SO IS ACCEPTABLE THE SAME AS
44 ACCURATE UNDER OUR CRITERIA? WE TALKED INTERCHANGEABLY
45 ABOUT -- THE STATUTE READS ACCURATE INFORMATION AND NOW
46 WE'RE TALKING ABOUT ACCEPTABLE. SO IS IT THAT WE GO AFTER
47 THE MOST ACCURATE, OR WHAT WOULD BE ACCEPTABLE IN THE
48 ABSENCE OF ACCURATE?

49 MR. SCHIAVO: THE GOAL IS ACCURATE, IT'S AN

1 ACCEPTABLE METHOD TO GET TO THE ACCURATE NUMBER.

2 CHAIRMAN EATON: WELL, I THINK THAT, YOU KNOW, I'D
3 LIKE TO HEAR FROM SOME OTHERS.

4 BUT AS REGARD THOSE JURISDICTIONS, I THINK
5 THE MIND SET IS -- AND I DON'T KNOW WHO GAVE THEM THE
6 IMPRESSION, BUT IF THEY'RE WAITING FOR THE BOARD TO ACT ON
7 THE HUNDRED, THEN THEY DIDN'T GET IT FROM ANYTHING THAT I'VE
8 SEEN ON MY YEAR ON THE BOARD THAT SAYS WE WERE GOING TO
9 RESOLVE THE PROBLEM.

10 SO, HOWEVER THAT MESSAGE IS GETTING OUT
11 THERE, I THINK IS INACCURATE AND SOMEHOW NEEDS TO BE
12 CORRECTED. BECAUSE WE MAY VERY WELL NOT ACT AT ALL. I
13 MEAN, I CAN'T TELL YOU, I MEAN, ON THAT. BUT I THINK IT'S
14 IMPORTANT FOR US TO TRY AND PROTECT THE INTEGRITY OF THOSE
15 WHO HAVE COME BEFORE AND TRIED TO WORK IT. AND SOME OF THEM
16 HAVE LEGITIMATE REASONS FOR THE ADJUSTMENTS, I MEAN, I'M NOT
17 OPPOSED TO THOSE. AND THEY HAVE COME UP WITH INFORMATION,
18 AND WHERE THEY HAVEN'T THEY'VE ADJUSTED AND WORKED OUT. BUT
19 WE DON'T NEGOTIATE BEFORE THEY PRESENTED INFORMATION.

20 I MEAN, BUT -- AND THIS IS JUST A DISCUSSION.
21 AND SO AS I MENTIONED, ON MAY 5TH WE PROBABLY WILL TAKE UP
22 SOME BASE-YEAR ADJUSTMENTS, BUT PERHAPS MAYBE WE'LL HAVE A
23 DISCUSSION ITEM BEFORE THOSE AS WELL.

24 BUT RIGHT NOW WE HAVE SOME SPEAKER SLIPS --
25 MEMBER JONES: MR. CHAIRMAN?

26 CHAIRMAN EATON: MR. JONES.

27 MEMBER JONES: BEFORE YOU CALL ON THE SPEAKERS, I
28 WANT TO SHARE WITH THE AUDIENCE AND STAFF -- MR. EATON AND I
29 SPOKE AT SUWANA (PHONETIC) LAST WEEK, AND WE WERE ASKED
30 QUESTIONS. AND ONE OF THE THINGS THAT WE MADE VERY CLEAR
31 WAS THAT THEY HAD ASKED ABOUT THE ACTIONS THAT THIS BOARD
32 HAS TAKEN ON AB 939 COMPLIANCE ISSUES, AND WE MADE IT PRETTY
33 CLEAR THAT THIS BOARD IN THE PAST HAD ALWAYS TRIED TO DEAL
34 WITH IT FAIRLY, SAY -- YOU KNOW, FAIRLY AND REASONABLY, AND
35 EQUITABLY, WHERE YOU DON'T USE A SLEDGE HAMMER BUT YOU MIGHT
36 USE A RUBBER Mallet TO MAKE SURE.

37 BUT, WE ALSO SAID THAT THOSE CITIES AND
38 COUNTIES THAT HAD MET THE CHALLENGE AND DONE IT RIGHT -- DID
39 IT RIGHT, THAT WE HAD AN OBLIGATION TO MAKE SURE THAT THE
40 OTHER ONES WERE -- YOU KNOW, THAT WE DID OUR JOB. AND WE, I
41 THINK, BOTH TOLD THEM THAT WE WERE CONFIDENT THAT THIS BOARD
42 WOULD CONTINUE TO ENFORCE THE REGULATIONS AROUND AB 939, AND
43 TO A PERSON, EVERYBODY IN THAT ROOM THANKED US. THEY SAID
44 THEY HAD MADE TOO BIG OF AN INVESTMENT TO LET THE ONES THAT
45 WANT TO PLAY THE NUMBERS GAME SKATE.

46 AND I KNOW THE LEAGUE -- I'M NOT GOING TO
47 SPEAK FOR YVONNE, BUT I KNOW THE LEAGUE KNOWS THAT -- YOU
48 KNOW, I MEAN, THEY SUPPORT THAT. I THINK ALL OF THEM DO,
49 THEY WANT TO SEE WHAT'S FAIR.

1 OUR PROBLEM IS, AS A BOARD, AND LATER A
2 STAFF, IS THAT AT SOME POINT -- AND I'LL TELL YOU WHAT, IF
3 THERE IS EVER A ISSUE THAT -- I MEAN, WE'VE -- UNDER THE --
4 UNDER CHAIRMAN PENNINGTON AND NOW UNDER CHAIRMAN EATON --
5 WELL, WE'VE HAD WORK GROUPS THAT HAVE CONSISTED OF BOARD
6 MEMBERS WORKING WITH PEOPLE TO TRY TO GET THINGS DONE.

7 THIS IS ONE THAT I THINK WE NEED TO REALLY
8 GET TO THE BOTTOM OF, BECAUSE THERE IS TOO MUCH OF AN
9 INVESTMENT MADE IN PROGRAMS AND INFRASTRUCTURE TO LET THOSE
10 JURISDICTIONS THAT DON'T -- EITHER DON'T WANT TO COMPLY OR
11 THAT HAD BAD CONSULTANTS THAT GAVE THEM A STRATEGY THAT WAS
12 A GAME, AND NOW THEY'RE KIND OF STUCK WITH TRYING TO PULL
13 THEIR HEAD OUT OF WATER TO BREATHE A LITTLE BIT ON THIS. I
14 DON'T HAVE ANY PROBLEM WITH WORKING WITH THOSE PEOPLE. YOU
15 KNOW? I MEAN, WE CAN WORK WITH IT. BUT WE HAVE TO DO
16 SOMETHING TO MAKE SURE THAT THOSE PEOPLE THAT DID IT SQUARE
17 DON'T LOSE. YOU KNOW?

18 CHAIRMAN EATON: MR. EVAN EDGAR.

19 MR. EDGAR: GOOD MORNING BOARD MEMBERS. MY NAME
20 IS EVAN EDGAR, FROM EDGAR ASSOCIATES, ON BEHALF OF THE
21 CALIFORNIA REFUSE REMOVAL COUNCIL.

22 I HAVE REUSED A LETTER FROM FEBRUARY 24TH,
23 1999, I RESUBMIT IT TODAY, SO IT'S NOT -- IT WAS AGENDA ITEM
24 NO. 20, BUT TODAY IT'S, WHAT, 14. SO I'D LIKE TO ENTER THAT
25 INTO THE RECORD.

26 WE SUPPORT THIS POLICY DEVELOPMENT. WE WERE
27 AROUND IN 1997 SUPPORTING THAT DEVELOPMENT -- IN 1997, IN
28 MARCH. THE REASON BEING IS THAT WE BELIEVE IT DESERVES TO
29 HAVE ANOTHER LOOK AT. I THINK THAT IS A TREND ANALYSIS HERE
30 AND THERE'S A LOT OF ISSUES THAT SURFACE THAT WE ALWAYS NEED
31 TO TAKE A GLOBAL LOOK AT THINGS AFTER WE HAD USED THEM FOR A
32 WHILE.

33 THE REASON WE GOT INVOLVED IN MARCH, IN 1997,
34 POLICY, THAT WE FELT THAT THERE WAS A LOGJAM GOING ON. I
35 THINK THOSE -- I THINK MR. PENNINGTON WOULD REMEMBER, AND
36 MR. JONES HAD JUST STARTED -- THAT A LOT OF JURISDICTIONS
37 WERE AT A STOPPING POINT, THEY USED BASE-YEAR AS A REASON
38 WHY THEY COULDN'T SUBMIT THEIR ANNUAL REPORTS. WE FELT A
39 NEED THAT THE 1995 NUMBERS NEEDED TO BE LOOKED AT FOR AB 939
40 COMPLIANCE TO VALIDATE THE INVESTMENTS WE HAVE, AND TO HAVE
41 A MEASURED ENFORCEMENT FOR THOSE PEOPLE WHO DO NOT COMPLY.

42 AND WE FELT THAT THE BASE-YEAR ADJUSTMENT
43 POLICY WAS NEEDED, SO WE HELPED BREAK THE LOGJAM, SHOWED
44 SOME LEADERSHIP IN ORDER TO SUPPORT THE 1997 POLICY. AND
45 STILL, TWO YEARS LATER WE STILL HAVE MEASUREMENT ISSUES, AND
46 IT'S NOT REALLY WORKED OUT THE WAY WE HAD HOPED FOR. AND WE
47 SUPPORT TODAY'S POLICY DISCUSSION IN ORDER TO STREAMLINE THE
48 PROCESS.

49 BECAUSE, HERE WE ARE IN 1999 STILL LOOKING AT

1 1995 NUMBERS, AND YEAR 2004 I DON'T WANT TO BE LOOKING AT
2 2000 NUMBERS. I THINK THAT THIS WOULD HAVE A LOT OF
3 CREDIBILITY HERE IN 1999 TO HAVE A STREAMLINED PROCESS, SO
4 THAT WHEN THE YEAR 2000 NUMBERS COME UP, AND BASE-YEAR
5 NUMBERS COME UP, THAT IT WOULD BE A MORE QUICK PROCESS IN
6 ORDER TO GET TO THAT REVIEW PROCESS.

7 IN FACT, THE WASTE BOARD HAS BEEN CRITICIZED
8 BY THAT. IF YOU LOOK AT THE "SACRAMENTO BEE" ARTICLE, AND
9 THEY HAD SOME WRONG NUMBERS ABOUT HOW MANY BIENNIAL REVIEWS
10 ARE OUT THERE, AND THERE'S ONLY 458 VERSUS 530. BUT, THE
11 WASTE BOARD WAS CRITICIZED, AND ONE OF THE ITEMS IN THE
12 ARTICLE WAS ABOUT A LACK OF BASE-YEAR ADJUSTMENTS, YOU KNOW,
13 ONE OF THE REASONS WHY PEOPLE COULDN'T GET THEIR NUMBERS TO
14 THE WASTE BOARD BECAUSE THERE HAS -- THEY FEEL THERE IS NOT
15 A WAY TO GET THE NUMBERS UP HERE.

16 I THINK THE '97 POLICY STANDS, I BELIEVE THAT
17 PEOPLE SHOULD USE IT, AND THEY SHOULDN'T BE WAITING FOR A
18 NEW POLICY SINCE '97 IS HERE. BUT AT THE SAME TURN, I THINK
19 THAT WE NEED TO LOOK AT THE '99 -- A NEW '99 POLICY TO
20 STREAMLINE THE PROCESS.

21 WE'VE HAD SOME CONCERNS IN THE PAST. THE
22 CONCERNS HAVE BEEN VOICED ON OTHER SITE-SPECIFIC BASE-YEAR
23 POLICY ADJUSTMENTS, BASE-YEAR ADJUSTMENTS FOR CERTAIN
24 JURISDICTIONS. ONE OF THE KEY ISSUES THAT WE TALKED ABOUT
25 WAS WHAT HAPPENED IN TULARE AND FRESNO AND SAN JOAQUIN
26 COUNTY GETTING CREDIT FOR COAL(?) DIVERSION FROM THE '70S
27 AND '80S. WE FOUND THAT WASN'T REALLY APPROPRIATE TO GET
28 '70'S DIVERSION CREDIT FOR SOME THINGS THAT -- YOU KNOW, FOR
29 1990. AND WE HAD TESTIMONY THAT CHALLENGED THAT, BUT DUE TO
30 THE STATUTE INTERPRETATION THAT WAS JUSTIFIED.

31 WE BELIEVE THAT'S ALMOST AN EQUIVALENCY OF
32 WHAT THE AIR POLLUTION CREDITS WOULD GIVE CREDIT FOR THAT
33 CLOSING OF THE BURN DUMPS IN THE EARLY '70S. AND YET I
34 THINK IN THE 1990S YOU CAN'T BE TAKING CREDITS FOR THE '70S.
35 I THINK NOBODY TAKES CREDIT FOR DISCO (PHONETIC), SO I
36 DON'T THINK WE SHOULD BE GIVING CREDIT FOR A LOT OF THIS
37 BURN DUMP AND (INDISCERNIBLE) AIR, AND FRUIT (INDISCERNIBLE)
38 DIVERSIONS FROM THE '70S.

39 WITH THAT IN MIND, I THINK THAT THERE ARE
40 SOME VALID NUMBER OF FIXES OUT THERE. I THINK THE '97
41 POLICY DOES HAVE A METHOD TO GET THERE. I THINK WHERE A
42 NUMBER OF FIXES CAN BE JUSTIFIED AND VALIDATED, AND VERIFIED
43 -- ESPECIALLY IN THE L.A. BASIN, A LOT OF OUR SOUTHERN
44 HAULERS DO NEED TO HAVE THAT TYPE OF NUMBER FIX IN ORDER TO
45 DISTINGUISH THE FRANCHISE HAULING WASTE FROM THE SELF-HAUL
46 WASTE.

47 WE FEEL THAT A LOT OF OUR FRANCHISE HAULERS -
48 - WE HAVE GOOD NUMBERS. ONE OF THE POLICIES ADOPTED IN 1997
49 WAS TO SUBSTITUTE BASELINE INFORMATION FOR FRANCHISE HAULING

1 INFORMATION BECAUSE WE HAVE PRETTY GOOD RECORDS. AND OUR
2 HAULERS DOWN SOUTH HAVE THAT. SO WHERE A NUMBER OF FIXES
3 ARE JUSTIFIED WITH THE NUMBERS, THAT'S GREAT. AND IF THERE
4 IS A -- WHERE IT CAN BE VALIDATED WE WOULD SUPPORT THAT.

5 WITH THAT IN MIND, I LOOK FORWARD TO THE
6 APRIL POLICY DISCUSSION, THE MAY 5TH HEARING ABOUT THE BASE-
7 YEAR ADJUSTMENTS. AND I WILL BE AROUND FOR FURTHER
8 TESTIMONY. THANK YOU.

9 CHAIRMAN EATON: QUESTIONS OF MR. EDGAR?
10 MARK WHITE.

11 MR. WHITE: MR. CHAIRMAN, MEMBERS OF THE BOARD,
12 HE'S A HARD ACT TO FOLLOW, I WON'T EVEN TRY.

13 I AM HERE TODAY TO ENCOURAGE YOU TO LOOK AT
14 SERIOUSLY -- AS I KNOW YOU ARE -- AT THESE BASE-YEAR
15 SITUATIONS. I HAVE A TALE OF THREE CITIES FOR YOU. THREE
16 VERY DIFFERENT CITIES, MANY OF WHICH REPRESENT EXACTLY WHAT
17 YOU'VE BEEN TALKING ABOUT HERE TODAY.

18 THE CITY OF HALF MOON BAY, FOR EXAMPLE, HAS A
19 LITTLE OVER 10,000 PEOPLE IN IT, BUT 24,000 TONS OF TRASH.
20 TWO TONS A PERSON A YEAR. IT'S JUST ABOUT TWICE WHAT WE SEE
21 IN NORMAL COMMUNITIES. AND TERRIBLE NUMBERS, MINUS 65
22 PERCENT, ACCORDING TO THE FORMULA, JUST TERRIBLE NUMBERS.

23 WE PUT A BASE-YEAR ADJUSTMENT IN BECAUSE WE
24 HAVE 300,000 VISITORS ON ONE WEEKEND A YEAR THERE. WE HAVE
25 500,000 PEOPLE GOING TO STATE BEACHES WITHIN THE CITY OF
26 HALF MOON BAY. WE HAD A 38 PERCENT INCREASE IN TRAFFIC IN
27 10 YEARS, AND A FIVE PERCENT INCREASE IN POPULATION. WE
28 HAVE HUGE CHANGES FOR WHICH THE FORMULA HAS ABSOLUTELY NO
29 WAY TO ADJUST, AND NOR COULD ANY FORMULA REASONABLY BE
30 EXPECTED TO ADJUST FOR THOSE KINDS OF CHANGES.

31 OUR NEED TO COME IN AND DO BASE-YEAR
32 ADJUSTMENTS AND RE-LOOK AT THE WAY ALL THINGS ARE DONE IS
33 CRITICAL IN HALF MOON BAY. BECAUSE THEY DO A LOT OF
34 RECYCLING, THEY DO HAVE THE CURBSIDE TRUCK AND THE GREEN
35 WASTE TRUCK, IN RELATION TO THE GARBAGE TRUCKS. YOU KNOW,
36 THEY HAVE PROGRAMS BUT THEY'RE NOT GETTING CREDIT FOR THE
37 PROGRAMS.

38 THEY ALSO HAVE A VERY WILD SITUATION WITH THE
39 SELF-HAUL, 10,000 PEOPLE IS ONE AND A HALF PERCENT OF THE
40 COUNTY POPULATION, IT'S 10 PERCENT OF THE SELF-HAUL GOING
41 INTO THE LANDFILL. THE LANDFILL'S TWO MILES FROM HALF MOON
42 BAY, IT'S THE ONLY LANDFILL IN THE COUNTY, TO SPEAK OF. SO,
43 OBVIOUSLY IT'S GOING TO BE -- THEY HAVE TWO OF THE TOP 10-
44 SIZE NURSERIES IN THE ENTIRE COUNTRY IN THE CITY OF HALF
45 MOON BAY.

46 SO WHAT I'M SEEING IN THAT COMMUNITY, THEY'VE
47 GOT A MIX OF SITUATIONS THAT ISN'T POSSIBLE TO ADDRESS WITH
48 OTHER THAN SOME SORT OF A REASONABLE EVALUATION OF WHAT'S
49 GOING ON.

1 AND WHAT HAPPENED IN 1991, DURING THEIR BASE-
2 YEAR, WAS THE CONSULTANT SAID SELF-HAUL'S 13 PERCENT OF THE
3 COUNTYWIDE, EVERYBODY GETS 13 PERCENT. NOW, I JUST SAID
4 THEY WERE 10 PERCENT OF THE WHOLE COUNTY'S SELF-HAUL IN HALF
5 MOON BAY. SO THAT WAS CLEARLY AN INAPPROPRIATE APPROACH TO
6 THE PROBLEM, AND THE CONSULTANTS REALLY DID THE COUNTY --
7 THANK GOD I WASN'T THERE -- NO FAVORS IN 1991.

8 AT THE OPPOSITE END OF THE STICK IS THE CITY
9 OF CONCORD, 140,000, PLUS OR MINUS, PEOPLE. A GOODLY NUMBER
10 OF PROGRAMS. THREE PERCENT DIVERSION ACCORDING TO THE
11 FORMULA.

12 WE CAN'T IDENTIFY WHY, EXCEPT WE DO COME UP
13 WITH A RANGE BETWEEN 25 AND 30 PERCENT OF THE WASTE IS SELF-
14 HAUL. THE SELF-HAUL GOES TO LANDFILLS AND TRANSFER STATIONS
15 CONTROLLED BY THE COUNTY WITHOUT ANY DIVERSION PROGRAMS. THE
16 CITY OF CONCORD CAN'T TELL CONTRA COSTA COUNTY TO TELL BFI
17 TO PUT A DIVERSION PROGRAM IN, BECAUSE THE COUNTY'S NOT
18 GOING TO DO IT.

19 THE COUNTY, BY THE WAY, IS AT ABOUT 48
20 PERCENT, AND THEY HAVE VERY FEW PROGRAMS. I DON'T KNOW HOW
21 ALL THAT WORKS, BUT THERE IS A BALANCE HERE SOMEWHERE I'M
22 SURE, WE JUST HAVEN'T FIGURED OUT HOW TO STRIKE IT YET.

23 THE LAST ONE IS THE CITY OF LINDSEY. AGAIN,
24 10,000 PEOPLE, AGRICULTURAL COMMUNITY, 25 PERCENT DIVERSION.
25 THE HAULER'S TELLING ME, MY GOD, MAN, WE'RE DOING ALL THESE
26 PROGRAMS AND WE'VE GOT A CRUMMY 25 PERCENT. WHEN WE DO GO
27 BACK AND LOOK AT WHAT DIVERSION IS THIS YEAR, AND WE LOOK AT
28 WHAT DISPOSAL IS THIS YEAR, WE COME UP WITH 48 PERCENT.

29 ALL OF THESE THINGS, I'M JUST ENCOURAGING YOU
30 TO CONTINUE TO PROVIDE FOR THE FLEXIBILITY OF SOME BASE-YEAR
31 ADJUSTMENTS. BECAUSE IN ONE CASE WE'RE ABLE TO FIX THEM, IN
32 THE OTHER TWO CASES WE'RE GOING TO TRY WITH NEW NUMBERS FROM
33 THIS YEAR. BUT I DON'T KNOW IF IT'S GOING TO WORK BECAUSE,
34 PARTICULARLY IN HALF MOON BAY'S CASE, THEY DON'T EVEN HAVE
35 THAT MANY PEOPLE DIVERTING IN TOWN.

36 ANY QUESTIONS?

37 CHAIRMAN EATON: SENATOR ROBERTI?

38 MEMBER ROBERTI: I DON'T SEE HOW THERE'S A -- I
39 AGREE WITH YOU ON THE TOURISM ISSUE, AND I SEE HOW THAT
40 WOULD SKEW YOUR BASE-YEAR. BUT AS FAR AS YOUR HAVING -- SAN
41 MATEO COUNTY HAVING A HUGE FLORIST INDUSTRY, WHICH IS
42 RENOWNED AND WELL KNOWN --

43 MR. WHITE: SORRY, THAT'S AN INTERESTING FACT.

44 MEMBER ROBERTI: THEY KNEW THAT ANYWAY, GOING IN.
45 SO, YEAH, I MEAN THAT'S A PROBLEM. BUT ISN'T THAT A
46 PROBLEM THAT YOU SHOULD HAVE BEEN WORKING ON SINCE 1990?

47 MR. WHITE: GOOD POINT. YEAH.

48 MEMBER ROBERTI: YEAH, SO THAT ONE --

49 MR. WHITE: WE ARE WORKING ON IT --

1 MEMBER ROBERTI: THAT ONE, I MEAN, IT'S AN
2 INTERESTING -- BUT EVERY COMMUNITY HAS IT'S OWN INTERESTING
3 LITTLE FIX. AND THE FACT THAT YOU'VE GOT, YOU KNOW, ALL
4 THIS ORGANIC WASTE IS JUST ONE OF THE INTERESTING LITTLE
5 FIXES THAT YOU'VE HAD FOR -- YOU KNOW, FOR A LONG, LONG TIME
6 IN SAN MATEO.

7 THE TOURIST INDUSTRY, I TEND TO AGREE.
8 BEACHES GET POPULAR THEN UNPOPULAR, AND YOU'RE ON THE
9 POPULAR END.

10 MR. WHITE: HALF A MILLION PEOPLE A YEAR.

11 MEMBER ROBERTI: WHICH IS -- WHICH HAS ITS
12 ADVANTAGES, TOO.

13 BUT, NEVERTHELESS, I THINK WE HAVE TO DO
14 SOMETHING WITH OUR FORMULA MORE THAN JUST SAYING, WELL,
15 STAFF IS GOING TO WORK ON IT AND WE'RE GOING TO WORK WITH
16 PEOPLE. WHICH IS IMPORTANT, BUT IT'S NOT ENOUGH. BECAUSE I
17 THINK -- I MEAN, MUNICIPAL GOVERNMENTS HAVE TO HAVE THEIR
18 MINDS AT REST A LITTLE BIT AS TO WHETHER THEY'RE IN
19 COMPLIANCE, AND SAYING THEY'RE GOING TO WORK WITH STAFF.
20 AND OUR STAFF BEING WILLING TO WORK WITH PEOPLE ON THE
21 TOURISM PART. I TEND TO AGREE.

22 AND I DID NOT UNDERSTAND WHAT YOU MEANT BY
23 THE COUNTY APPORTIONING THE PERCENTAGES OF SELF-HAUL. I
24 MEAN, NOW MAYBE I'VE GOT IT WRONG, BUT IF A COUNTY
25 APPORTIONS THE PERCENTAGES OF SELF-HAUL, AND OTHERWISE MOST
26 OF THE SELF-HAUL WOULD BE IN ONE OF THE JURISDICTIONS YOU'VE
27 TALKED ABOUT, WELL, WOULDN'T THE -- WOULD THE JURISDICTION
28 LIKE THAT RATHER THAN OTHERWISE?

29 MR. WHITE: WELL, WE WOULD HAVE LIKED -- IN FACT,
30 OUR BASE-YEAR ADJUSTMENT REQUESTS MORE SELF-HAUL BECAUSE WE
31 HAD A GREATER AMOUNT.

32 I REALLY DIDN'T TELL YOU THE WHOLE STORY. WE
33 DID A JOINT SRRE, AND IN DOING THAT JOINT SRRE THE
34 CONSULTANT WORKING FOR THE COUNTY JUST APPORTIONED OUT THE
35 WASTE TO THE BEST HE COULD WITH THE NUMBERS HE HAD AT THE
36 TIME. AND, OF COURSE, THERE WERE NO SCALES.

37 MEMBER JONES: OXMOUND (PHONETIC) DIDN'T HAVE
38 SCALES?

39 MR. WHITE: I DON'T THINK SO, NOT IN 1990. I
40 MAYBE WRONG.

41 MEMBER JONES: I DON'T KNOW, I THINK THEY MIGHT
42 HAVE.

43 CHAIRMAN EATON: ANYTHING FURTHER FOR MR. WHITE?

44 THANK YOU, MR. WHITE.

45 MR. WHITE: THANK YOU.

46 CHAIRMAN EATON: MS. HUNTER.

47 MS. HUNTER: GOOD MORNING, I'M YVONNE HUNTER WITH
48 THE LEAGUE OF CALIFORNIA CITIES. WHAT I'D LIKE TO DO IS
49 MAKE A FEW COMMENTS ON SOME OF THE EARLIER DISCUSSION,

1 PERHAPS RESPOND TO A FEW QUESTIONS, AND THEN MAKE SOME
2 OBSERVATIONS.

3 BUT LET ME START WITH, FIRST, WITH THE
4 EXCEPTION OF THE LAST SPEAKER, WHY DON'T WE ALL CONSIDER
5 PARAPHRASING, I THINK IT WAS SHAKESPEARE, AND START OFF BY
6 SAYING FIRST WE KILL ALL THE CONSULTANTS? THAT MIGHT HELP
7 US ALONG QUITE A LOT.

8 I MADE NOTES AS THE DISCUSSION WENT ON, AND
9 I'M GOING TO JUST FOLLOW THOSE, AND THEY -- HOPEFULLY IT'LL
10 ALL CONCLUDE IN SOME SEMBLANCE OF ORDER.

11 SENATOR ROBERTI, EARLY ON YOU ASKED A VERY
12 REAL, AND I THINK IMPORTANT QUESTION, AND WHAT ABOUT THOSE
13 JURISDICTIONS THAT HAVE, FOR EXAMPLE, FEDERAL AGENCIES,
14 STATE AGENCIES IN THEIR JURISDICTION. AND THE RESPONSE WAS
15 ABSOLUTELY ACCURATE. THIS HAS BEEN AN ISSUE THAT HAS DOGGED
16 LOCAL AGENCIES FOR A LONG TIME.

17 EARLY ON, AFTER 939 PASSED, PEOPLE WERE
18 PUTTING TOGETHER THEIR SRRES. I CONTINUED TO GET CALLS, I
19 KNOW MY COLLEAGUE AT CSAC DID. THERE IS A CALTRANS
20 FACILITY; THERE'S A STATE PRISON; THERE'S A SCHOOL DISTRICT;
21 THERE'S THE UNIVERSITY OF CALIFORNIA IN OUR JURISDICTION.
22 THEY WON'T EVEN COME AND PARTICIPATE IN THE LOCAL TASK
23 FORCE, SOMETIMES THEY DO. WE CAN'T GET THEM TO RECYCLE. I
24 MEAN, IT GOES ON AND ON AND ON.

25 MEMBER ROBERTI: THE UNIVERSITY IS THE WORST --

26 MS. HUNTER: YES.

27 MEMBER ROBERTI: -- IN TERMS OF COOPERATION --

28 MS. HUNTER: YES, ALTHOUGH I DO HAVE TO SAY, I'M
29 ON THE YOLO COUNTY TASK FORCE, AND WE HAVE HAD EXCELLENT
30 COOPERATION WITH THE UNIVERSITY OF CALIFORNIA AT DAVIS
31 CAMPUS. THEY WORK WELL WITH THE CITY AND THE COUNTY.

32 THE BOARD WAS HELPFUL IN TRYING TO ENCOURAGE
33 THEM. WE FINALLY -- ONE OF THE KEY ISSUES IS -- THAT WE PUT
34 IN SB 1066, AND WE NEGOTIATED A LITTLE BIT -- WE ALWAYS KNEW
35 THAT THE BOARD WOULD CONSIDER EXACTLY THOSE KINDS OF ISSUES
36 WHEN DETERMINING WHETHER OR NOT TO IMPOSE A PENALTY. SORRY,
37 10 PERCENT, 20 PERCENT OF OUR WASTE STREAM IS DUE TO
38 CALTRANS AND WE CAN DOCUMENT THAT THEY HAVEN'T DONE A THING,
39 PLEASE, PLEASE, DON'T, DON'T FINE US.

40 BUT WHAT WE PUT IN STATUTE WAS HOW WE THOUGHT
41 THE BOARD WOULD ACTUALLY RESPOND. AND NOW ONE OF THE
42 STATUTORY CONSIDERATIONS THAT THE BOARD MUST EVALUATE WHEN
43 DETERMINING WHETHER TO IMPOSE A PENALTY IS THE EFFECTS OF
44 WASTE GENERATED BY OTHER GOVERNMENTAL AGENCIES, AND WHETHER
45 OR NOT THEY ARE DOING APPROPRIATE DIVERSION. I CAN'T
46 REMEMBER THE EXACT WORDING, BUT THAT IS A VERY IMPORTANT
47 ISSUE.

48 I THINK JUDY FRIEDMAN GAVE A REALLY GOOD
49 REVIEW OF HOW WE GOT TO WHERE WE ARE WITH THE BASE-YEAR AND

1 GENERATION, AND WHEN WE MOVED FROM CHANGING -- MEASURING --
2 WHEN WE MOVED FROM MEASURING CHANGES IN DIVERSION TO
3 MEASURING CHANGES IN DISPOSAL, THAT WAS A SIGNIFICANT
4 IMPROVEMENT. THE WORD WAS WE WERE GOING TO TRY TO STOP BEAN
5 COUNTING AND, YOU KNOW, THIS WAS A WHOLE NEW PROGRAM, AND WE
6 WERE FIXING IT IN MIDSTREAM.

7 ONE OF THE KEY ISSUES, AS SHE SAID, WAS THE
8 SO-CALLED "WHAT COUNTS" DEBATE, WHICH SEEMED TO GO ON
9 FOREVER.

10 AND PART OF THE PROBLEM I THINK JUDY DESCRIBE
11 ACCURATELY, THERE WAS ALSO ANOTHER PROBLEM, AND THAT WAS
12 THAT SOME JURISDICTIONS IDENTIFIED HIGHER DIVERSION NUMBERS,
13 INAPPROPRIATELY SKEWED WHEN THEY WERE COUNTING, LET'S SAY,
14 INERT SOLIDS, BECAUSE IT'S EASIER TO DIVERT A TON OF
15 CONCRETE THAN IT IS A TON OF ALUMINUM CANS.

16 SO, WHAT WAS NEGOTIATED, AND I THINK AGREED
17 TO BY ALL -- AND THE LEAGUE WAS VERY, VERY ACTIVELY INVOLVED
18 IN THIS -- IS, IN PARTICULAR FOR HISTORICAL DIVERSION DATA,
19 YOU CAN COUNT IT IF IT'S THE RESULT OF A LOCAL ACTION. YOU
20 HAVE TO DEMONSTRATE LOCAL ACTION THAT CAN INCLUDE A SOLID
21 WASTE FACILITY PERMIT, A LOCAL ORDINANCE, PURCHASING
22 PREFERENCES. AND TO THE EXTENT THAT YOU DON'T HAVE ABSOLUTE
23 HISTORICAL DATA, YOU GIVE THE BEST GUESS. AND IT'S A
24 NEGOTIATED PROCESS WITH THE BOARD. BUT I THINK EVERYBODY
25 WAS VERY COMFORTABLE WITH HOW THAT WORKED OUT.

26 AS FAR AS THOSE JURISDICTIONS THAT ARE OUT
27 THERE, THE HUNDRED JURISDICTIONS, I THINK YOU PROBABLY GAVE
28 A GOOD REVIEW. SOME OF THEM SAYING TO HELL WITH IT, WE'RE
29 NOT GOING TO PLAY. OTHERS, WE NEED TO WORK WITH YOU, WE
30 RECOGNIZE THIS IS AN ISSUE.

31 AND I THINK THE RESPONSE -- WHAT I WOULD --
32 WHAT I -- I GOT A LITTLE BIT UNCOMFORTABLE, AND I DON'T
33 THINK THIS WAS THE INTENT -- IS THAT ALL OF THE
34 JURISDICTIONS ARE OUT THERE TRYING TO GAME THE BOARD. I
35 DON'T THINK THAT'S ACCURATE. I DON'T BELIEVE THAT'S WHAT
36 ANYONE WAS INTENDING.

37 CLEARLY, THERE ARE GOING TO BE SOME
38 JURISDICTIONS OUT THERE THAT ARE GOING TO PRESS THE
39 ENVELOPE. AND IF THEY'VE MISREPRESENTED THEIR NUMBERS, OR
40 THEY REFUSE TO RESPOND, THEN I THINK THE BOARD NEEDS TO DEAL
41 WITH THEM APPROPRIATELY.

42 I'D LIKE TO BELIEVE THE MAJORITY OF
43 JURISDICTIONS -- AND I'LL SPEAK FOR MY COLLEAGUE AT CSAC --
44 CITIES AND COUNTIES ARE GENUINELY INTERESTED IN MAKING IT
45 WORK. SOME OF THEM MAY BE HESITANT TO PROPOSE SOLUTIONS
46 BECAUSE THEY KNOW THE BOARD IS UNDERGOING THIS DISCUSSION.
47 THEY WANT TO WAIT AND SEE WHAT ARE THE RULES OF THE GAME.
48 OTHERS, IT'S A STAFF ISSUE, THEY DON'T HAVE TIME, THEY'LL
49 GET TO IT.

1 AND SO MY, I GUESS, RECOMMENDATION WOULD BE,
2 THIS IS A VERY, VERY IMPORTANT ISSUE FOR THE BOARD TO LOOK
3 INTO. IT WAS A VERY IMPRESSIVE WORKING GROUP THAT YOU HAD
4 TO DEVELOP THE '97 POLICY, WITH EXTENSIVE INPUT. AND THAT I
5 WOULD ENCOURAGE YOU, IF YOU ARE GOING TO REOPEN THAT,
6 CERTAINLY REVISIT IT PERHAPS WITH SOME OF THOSE HUNDRED-PLUS
7 PEOPLE THAT WERE PARTICIPATING. PUBLIC WORKSHOPS, WE CAN
8 HELP YOU GET THE WORD OUT AS WELL.

9 A COUPLE OF QUESTIONS, OR ISSUES TO CONSIDER.
10 IF THE POLICY IS CHANGED -- OR, PERHAPS YOU JUST WILL BE
11 GETTING A BETTER IDEA USING THE EXISTING POLICY HOW TO DEAL
12 WITH SOME OF THESE RATHER STRANGE CIRCUMSTANCES. BUT, IF
13 THE POLICY DOES CHANGE, DOES THAT MEAN THAT THE HUNDRED OR
14 200, OR WHATEVER THE NUMBER WAS THAT JUDY GAVE, THAT HAVE
15 ALREADY HAD A BASE RATE REDUCTION OR -- ARE YOU GOING TO
16 HAVE TO REVISIT ALL OF THOSE? I WOULD HOPE NOT.

17 ON THE OTHER HAND, IF YOU CHANGE THE POLICY,
18 ARE YOU GOING TO HAVE UNEQUAL RULES APPLYING TO DIFFERENT
19 GROUPS?

20 I DON'T KNOW WHAT THE SOLUTION IS, OR THE
21 ANSWER IS. PERHAPS WHAT IT IS, IS UNDERSTANDING THE
22 SUBTLETIES OF THE NUMBERS AND FIT THEM IN TO ONE OF THOSE --
23 I THINK IT'S FOUR OPTIONS. IF A JURISDICTION IS GAMING THE
24 BOARD, GO FOR IT. I MEAN, DEAL WITH THEM.

25 BUT I REALLY -- I STRONGLY BELIEVE THAT THE
26 MAJORITY OF JURISDICTIONS ARE NOT TRYING TO GAME THE BOARD,
27 THE OVERWHELMING MAJORITY. THAT THEY'RE TRYING TO DO A GOOD
28 JOB.

29 AND FOR -- STEVE, I DON'T KNOW -- I'D LOVE TO
30 SEE WHAT THAT SURVEY SAID, 83 PERCENT. THEY CERTAINLY DON'T
31 SPEAK ON BEHALF OF THE LEAGUE OR ANY OF THE CITIES THAT I'VE
32 TALKED TO.

33 I WAS AT A SCAG MEETING ABOUT A MONTH AGO.
34 IN FACT, LORRAINE WAS THERE AND SHE GAVE JUST A OUTSTANDING
35 PRESENTATION ON GOOD-FAITH EFFORT, BASE RATE ADJUSTMENT.
36 AND THE END OF THE MEETING CONCLUDED WITH MOST OF THE PEOPLE
37 THERE COMPLIMENTING THE BOARD STAFF AND THE BOARD MEMBERS ON
38 THEIR THOROUGHNESS, THEIR FAIRNESS. SO I DON'T KNOW WHERE
39 THAT CAME FROM.

40 ONE FINAL COMMENT, WITH HESITATION OF
41 INFLATING THE ROLE THAT I PLAY AS A LOBBYIST FOR THE LEAGUE
42 OR MY COLLEAGUE FROM CSAC. ALL CITIES CAN'T ATTEND
43 MEETINGS. THAT'S WHY I'M HERE, THAT'S WHY YOU DON'T HAVE
44 ALL CITIES TESTIFYING AT LEGISLATIVE COMMITTEES, THEY SEND
45 THEIR LOBBYIST. AND THE FACT THAT CITIES -- CITY
46 REPRESENTATIVES AREN'T AT MEETINGS DOESN'T MEAN THEY DON'T
47 CARE, THEY HAVE COMPETING DEMANDS. AND IT PROBABLY IS
48 UNREALISTIC TO EXPECT DECISION-MAKERS -- AND I ASSUME YOU
49 MEAN ELECTED OFFICIALS -- TO ATTEND A TECHNICAL WASTE BOARD

1 WORKSHOP. THEY RELY ON THEIR STAFF FOR THAT.

2 WE HAVE HAD SEVERAL TIMES WASTE BOARD MEMBERS
3 SPEAK AT THE LEAGUE'S ENVIRONMENTAL QUALITY POLICY
4 COMMITTEE. WE'D BE DELIGHTED TO HAVE YOU COME AGAIN THE
5 NEXT TIME WE'RE IN NORTHERN CALIFORNIA. I THINK THE LAST
6 TIME IT WAS WESLEY CHESBRO -- AND DID PAUL -- I THINK PAUL
7 RELIS (PHONETIC) CAME, I CAN'T REMEMBER. WE'VE HAD THEM
8 SPEAK AT OUR ANNUAL CONFERENCE, AND IT'S ALWAYS A VERY
9 PRODUCTIVE SESSION. AND THAT'S WHERE YOU GET THE MAJORITY
10 OF ELECTED OFFICIALS.

11 SO, WE'RE HAPPY TO WORK WITH YOU ON THIS, AS
12 WELL AS THE -- CERTAINLY THE SB 1066 PROCESS. THANK YOU.

13 CHAIRMAN EATON: I JUST HAVE A COUPLE OF COMMENTS
14 REALLY. FIRST AND FOREMOST, I DON'T KNOW WHERE ANYONE EVER
15 GOT THE IDEA THAT THERE WAS A POLICY CHANGE CONTEMPLATED.
16 SO, IF YOU CAN DO US A FAVOR AND LOOK AT WHERE WE'RE LOOKING
17 AT, AND SAYING THAT THERE'S NEVER BEEN REALLY A
18 CONSIDERATION.

19 MS. HUNTER: OKAY.

20 CHAIRMAN EATON: BUT I THINK WHAT WE'RE TRYING TO
21 DO IS REVIEW THE ACCURACY OF THE DATA OF WHAT'S BEING
22 SUBMITTED. I PERSONALLY SEE A LOT OF DIFFERENT DATA GOING
23 INTO THESE --

24 MS. HUNTER: RIGHT.

25 CHAIRMAN EATON: -- PARTICULAR CALCULATIONS, WHICH
26 ARE -- DON'T HAVE ANY DIRECT RELEVANCE TO THE GEOGRAPHICAL
27 OR ECONOMIC DIVERSITY OF THE JURISDICTIONS. I SEE MORE
28 FORMULA, AND MORE THINGS ABOUT, WELL, I GOT THIS IN FOR
29 THEM, SO I THINK YOU CAN USE IT TOO.

30 MS. HUNTER: YEAH.

31 CHAIRMAN EATON: THAT'S NOT WHAT WE WANT. WE'RE
32 LOOKING AT, YOU KNOW, THAT PARTICULAR SITUATION.

33 IF THERE IS A POLICY GOING TO BE DEVELOPED IT
34 WILL PERHAPS NOT BE A POLICY AS IT RELATES TO THIS, BUT
35 PERHAPS TO THE 1066 PROGRAM.

36 AND WHICH WE KNOW, IN YOUR CORRESPONDENCE --
37 AND WE WILL START THAT PROCESS SHORTLY. AND YOU AND I HAVE
38 HAD THAT DISCUSSION.

39 BY THE SAME TOKEN, YOU KNOW, THOSE OTHER
40 JURISDICTIONS OUT THERE -- YOU KNOW, I GUESS THAT ARE THERE,
41 IT'S NOT REALLY OUR RESPONSIBILITY. AND I THINK, YOU KNOW,
42 WE'LL WORK WITH THEM. AND I THINK YOU HAVE BEEN A LEADER IN
43 SORT OF BEING THE GO-BETWEEN IN HELPING PARTIES SORT OF
44 REACH THAT, AND I THINK THAT'S AN IMPORTANT ROLE THAT, ONE,
45 THE BOARD HAS APPRECIATED IN THE PAST, AND I THINK WE --
46 HOPEFULLY YOU WILL CONTINUE TO DO THAT FOR US, AS WELL.

47 BUT I DO BELIEVE THAT IT'S WRONG FOR THOSE
48 JURISDICTIONS TO THINK THAT SOMEHOW THEIR INABILITY, OR --
49 TO COME FORWARD WITH WHATEVER THEY NEED TO DO STATUTORILY IS

1 SOMEHOW DEPENDENT UPON THIS BOARD ACTING OR NOT ACTING AND,
2 THEREFORE, THEY CAN'T DO WHAT THEY'RE SUPPOSED TO DO. I
3 THINK THAT'S -- YOU KNOW, THAT'S A CONVENIENT EXCUSE, AND I
4 THINK THAT'S ONE THAT I KNOW YOU DON'T SUBSCRIBE TO.

5 AND, YOU KNOW, HOPEFULLY -- I CAN TELL YOU TO
6 THIS -- AT LEAST FOR MY ONE VOTE, IT WON'T PERSONALLY BE
7 ACCEPTED HERE, BECAUSE THERE'S NOTHING THAT'S EVER BEEN
8 INDICATED OFFICIALLY IN A POLICY OR ANYTHING THAT'S
9 INDICATED THAT THAT'S KIND OF WHERE WE'RE GOING, AND SO,
10 THEREFORE, EVERYONE IS GOING TO KIND OF JUST HOLD UP WHAT
11 THEY'RE DOING -- I THINK THAT'S JUST ANOTHER KIND OF
12 PROBLEM.

13 BUT, I MEAN, THOSE ARE JUST SOME GENERAL
14 COMMENTS. AND HOPEFULLY, AS WE GO ALONG WE'LL SEE.

15 YOU RAISED THE POINT ABOUT IT IS A DIFFICULT
16 -- YOU CAN'T GO BACK THROUGH AND READJUST A POLICY AFTER 80
17 HAVE BEEN THROUGH THE GATE. WHAT YOU CAN DO, HOWEVER -- AND
18 I THINK THIS IS KIND OF A PRECURSOR TO THE 1066 PROGRAM --
19 AND THAT'S WHY I PERSONALLY AM TRYING TO BRING IT OUT. I
20 SEE THE 1066 PROGRAM WORKING THE SAME WAY. THOSE WHO ARE
21 FIRST IN LINE ARE GOING TO GET CERTAIN BENEFITS.

22 AND THEN WHEN PEOPLE START FIGURING OUT
23 WHAT'S KIND OF GOING ON, THOSE WHO COME THEREAFTER, EITHER
24 THE ENFORCEMENT WILL BE STRONGER OR TOUGHER. AND I DON'T
25 THINK THAT'S FAIR, EITHER.

26 SO, WHAT I'M TRYING TO DO IS USE THIS AS A
27 LEARNING EXPERIENCE, BECAUSE THE REAL TEST COMES WITH REGARD
28 TO THE YEAR 2000 AND THEREAFTER, AND WHAT WE DO, AND THOSE
29 KINDS OF THINGS.

30 SO I THINK BY LOOKING AT WHAT OUR OWN
31 BLEMISHES WERE -- BOTH THE BOARD, AS WELL AS THE
32 STAKEHOLDERS -- IS A GOOD THING. AND I DON'T THINK WE
33 SHOULD BE AFRAID OF IT BECAUSE THERE'S A MEDIA ARTICLE OUT
34 THERE OR ANYTHING. I THINK WHAT WE NEED TO DO IS, THAT IT'S
35 SO IMPORTANT AS THIS NEXT PHASE THAT WE HAVE SOMETHING THAT
36 HAS SOME INTEGRITY AND SOME VERACITY, AND THAT EVERYONE
37 UNDERSTANDS THE RULES.

38 MS. HUNTER: I THINK YOU'RE ABSOLUTELY RIGHT.

39 AND FOR WHAT I THINK YOU AND MR. JONES SAID,
40 AND THE LEAGUE HAS HAD THIS POSITION FOR YEARS, THOSE
41 JURISDICTIONS THAT HAVE MADE A GENUINE GOOD-FAITH EFFORT,
42 REGARDLESS OF WHAT THEIR NUMBERS ARE, WHO HAVE TRIED TO
43 IMPLEMENT PROGRAMS, SUCCESSFULLY OR NOT, BUT THEY'VE REALLY
44 TRIED, SHOULD BE GIVEN SOME SAFE HARBOR. FOR THOSE
45 JURISDICTIONS THAT HAVE TRIED AND HAVE BEEN LESS SUCCESSFUL
46 -- BUT THEY'VE STILL TRIED -- OUGHT TO BE GIVEN SAFE HARBOR.

47 THOSE WHO HAVE DONE NOTHING, OR HAVE FLAUNTED
48 THE LAW, YOU HAVE THE TOOLS AND YOU SHOULD USE THEM
49 ACCORDINGLY.

1 BUT I WOULD JUST -- AND I HAVE TO SAY THIS, I
2 WOULD JUST ENCOURAGE YOU NOT TO PAINT -- FOR THOSE
3 JURISDICTIONS THAT ARE -- THAT FEW, I HOPE -- THAT ARE
4 GAMING IT, DON'T USE THAT SAME BRUSH TO PAINT EVERYBODY
5 ELSE.

6 MEMBER JONES: IF I MADE THAT SOUND LIKE EVERYBODY
7 -- WHAT I WAS SAYING SPECIFICALLY WERE THE ONES THAT ARE
8 GAMING US.

9 MS. HUNTER: RIGHT.

10 MEMBER JONES: I MEAN, I THINK YOU KNOW THAT --

11 MS. HUNTER: I KNOW THAT, YEAH.

12 MEMBER JONES: -- WHERE I'M COMING FROM. IT'S THE
13 ONES THAT ARE GAMING US.

14 I DO WANT TO ASK A QUESTION, AND I DON'T
15 EXPECT YOU TO DELIVER THE LEAGUE'S OPINION ON THIS AS MUCH
16 AS JUST TO THROW IT OUT. WE CAN'T CHANGE THE POLICY IN
17 MIDSTREAM, I AGREE.

18 BUT, WHEN WE SEE BASE-YEAR ADJUSTMENTS THAT
19 TAKE A JURISDICTION FROM PLUS-TWO PERCENT DIVERSION, THEY DO
20 A BASE-YEAR, AND THEY'RE AT 47 PERCENT BECAUSE OF THE
21 NUMBERS, IT WOULD SEEM TO ME THAT IT WOULD BE APPROPRIATE
22 FOR ALL BASE-YEAR ADJUSTMENTS TO HAVE AN ASTERISK BY THEIR
23 NAME AND NUMBER, THAT, IN FACT, THEY WERE THE RECIPIENTS OF
24 A BASE-YEAR ADJUSTMENT.

25 AND THEN LOOK AT WHERE THEY ARE THE FOLLOWING
26 YEAR, OR WHAT PROGRAM IMPLEMENTATION HAS TAKEN PLACE SINCE
27 THEN. YOU KNOW, AS FAR AS ARE YOU STILL GROWING IN THIS
28 PROGRAM. YOU KNOW? I MEAN, ARE YOU STILL PUTTING THE
29 EFFORT INTO IT TO CONTINUE TO GET TO WHERE WE'RE AT.
30 BECAUSE, YOU'VE GOT FROM TWO TO 40 BY USING A PIECE OF PAPER
31 AND A PENCIL. HOW DO YOU GET FROM 40 TO 50? YOU NEED
32 PROGRAMS. YOU KNOW? AND IT WOULD SEEM TO ME THAT WE NEED TO
33 TALK ABOUT THAT --

34 MS. HUNTER: I THINK THAT'S -- I MEAN, FRANKLY,
35 ESPECIALLY AS IT WOULD BE TIED IN TO 1066, OR CONTINUE
36 REPORTS, I BASICALLY JUST ASSUMED THAT YOU'D HAVE SOME
37 LITTLE FILE SOMEWHERE AND YOU KNOW WHICH JURISDICTIONS HAD A
38 BASE-YEAR REDUCTION.

39 PERHAPS EVEN -- OR, A CORRECTION, PERHAPS
40 THAT OUGHT TO BE A REQUIREMENT, MAYBE IT IS ON YOUR ANNUAL
41 REPORT, WHETHER YOU WANT TO HAVE A -- EACH OF THOSE
42 JURISDICTIONS HAVE A SCARLET "B" ON THEIR -- YOU KNOW,
43 INSTEAD OF AN ASTERISK. BUT, AND WHEN YOU SAY AN ASTERISK
44 ON THERE, I'M NOT SURE WHERE IT WOULD BE. BUT CLEARLY,
45 THOSE THAT DID -- IT'S APPROPRIATE.

46 MEMBER JONES: YOU KNOW, BECAUSE IT -- WHEN WE --
47 YOU KNOW, WE'VE DONE A COUPLE THAT I DON'T THINK THEY WERE
48 GOOD-FAITH EFFORTS BECAUSE -- I THINK THEY WERE LEGITIMATE.
49 '95, THEY WERE AT 20 PERCENT.

1 MS. HUNTER: RIGHT.

2 MEMBER JONES: '96, THEY WERE AT 28 PERCENT, ON A
3 BIENNIAL REVIEW. I DON'T HAVE A PROBLEM WITH THAT.

4 MS. HUNTER: THAT'S REASONABLE.

5 MEMBER JONES: TO ME, THAT'S NOT A GOOD-FAITH
6 EFFORT --

7 MS. HUNTER: YEAH.

8 MEMBER JONES: -- THAT IS THE PROGRAM WAS GROWING
9 -- GOING AND YOU WERE GETTING THERE, YOU KNOW, YOU JUST --
10 SO, I DON'T HAVE A PROBLEM WITH APPROVING THOSE. BUT IF
11 THOSE SAME JURISDICTIONS GOT BASE-YEAR ADJUSTMENTS TO GET
12 THEM FROM, YOU KNOW, 226 (PHONETIC) WE'RE GOING TO HAVE SOME
13 -- WE'RE GOING TO HAVE ONE TODAY THAT'S GOING TO COME UP FOR
14 A REDUCTION IN THE GOAL, AND WHEN THEY TESTIFY -- OR, WE LET
15 THEM TESTIFY LAST NIGHT BECAUSE WE WENT TOO LONG AND THEY
16 HAD COME FROM OUT OF TOWN.

17 BUT I HAD ASKED THE QUESTION, I SAID, YOU
18 KNOW, WITH 1066 AND GOOD-FAITH EFFORT, WHAT'S THE
19 DIFFERENCE? I MEAN, IF 36 IS AS GOOD AS YOU CAN GET, OR 40,
20 YOU KNOW, YOU'VE HIT IT. WHY -- TO ME, WHENEVER WE REDUCE
21 THE NUMBER, YOU KNOW, FOR PEOPLE, OR WE DO BASE-YEAR
22 ADJUSTMENTS, WE CHANGE THE PLAYING FIELD A LITTLE BIT WHERE
23 THE EFFORT LOCALLY COULD BECOME DIMINISHED. YOU KNOW? AND
24 THAT BOTHERS ME FROM A POLICY STANDPOINT. SO.

25 MS. HUNTER: I THINK EVERYTHING YOU HAVE SAID IS
26 ACTUALLY REASONABLE. AND MAYBE YOU COULD -- I'LL SAY THAT'S
27 THE POSITION OF THE LEAGUE. THAT STEVE JONES IS REASONABLE.

28 MEMBER JONES: AND I APPRECIATE THAT.

29 MS. HUNTER: OKAY.

30 CHAIRMAN EATON: TWO QUICK THINGS, BECAUSE THE
31 COURT REPORTER IS DYING. WE ALWAYS FORGET THAT SHE -- WE'VE
32 BEEN RUNNING AT THE MOUTH, BUT HER FINGERS HAVE BEEN GOING,
33 SO SHE REALLY NEEDS A BREAK.

34 I JUST GOT A LATE PUBLIC COMMENT FROM MR.
35 GRECO. COULD YOU KEEP IT QUICK? AND THEN MR. CHANDLER, AND
36 WE'RE GOING TO WIND IT UP. A COUPLE OF BOARD MEMBERS HAVE
37 PREVIOUS COMMITMENTS THEY'VE GOT TO GO TO, AND WE'VE GOT TO
38 MOVE THROUGH THE AGENDA. SO, MR. GRECO?

39 MR. GRECO: I'LL KEEP IT QUICK. JIM GRECO.

40 THE ONLY COMMENT I REALLY WANT TO MAKE AT
41 THIS TIME IS, ALL THIS TIME WE'RE TALKING ABOUT ADJUSTING
42 BASE-YEARS. I THINK MORE AND MORE THE FEELING IS CAN WE GET
43 TO SOMETHING LIKE IS GENERATION-BASED, WHICH IS ONE OF THE
44 OPTIONS? WE'RE SPENDING TOO MUCH TIME TRYING TO FIX 1990,
45 TRYING TO FIX THE PAST.

46 AND I THINK THIS IS SAYING IT BEHOOVES US ALL
47 TO LOOK MORE CAREFULLY AT MAYBE A LEGISLATIVE CHANGE, MAYBE
48 TO LOOK AT WHAT'S HAPPENING REAL....

49 AND THEN THE LAST THING I WANTED TO SAY IS,

1 THE TREND REALLY SHOULD BE LOOKING AT THE DISPOSAL TONNAGE
2 FROM YEAR TO YEAR. YOU KNOW, NOT HAVING TO GO BACK TO 1990,
3 WHETHER IT WAS RIGHT OR WRONG.

4 CHAIRMAN EATON: THANK YOU.

5 MR. CHANDLER?

6 MR. CHANDLER: YEAH, THANK YOU, CHAIRMAN EATON.

7 MAYBE WHAT I JUST WANT TO SAY IS I HAVE KIND
8 OF THIS MANTRA THAT I'VE BEEN GIVING STAFF OVER THE LAST
9 SEVERAL YEARS ON HOW THEY SHOULD BE VIEWING ANY PROGRAM WITH
10 RESPECT TO HOW WE MOVE THINGS FORWARD. AND PARTICULARLY IN
11 A BOARD ENVIRONMENT, I THINK IT'S VERY EASY TO MOVE INTO A -
12 - WHAT I CALL ALMOST THIS SQUIRREL-CAGE SYNDROME OF EVERY
13 MONTH TRYING TO GET READY FOR THE NEXT ITEM, AND WE DON'T
14 TAKE TIME TO LOOK AT WHERE WE'VE BEEN. AND WHAT I'VE BEEN
15 SAYING IS PLAN, DO, CHECK, AND ADJUST.

16 AND I THINK WHAT WE'RE DOING TO DAY IS, WE'RE
17 LOOKING AT THIS CHECK, AND POSSIBLY ADJUST, PHASE OF WHAT WE
18 DON'T DO ENOUGH AROUND HERE.

19 AND IN FAIRNESS TO JUDY, SHE DID COME FORWARD
20 WITH A PLAN ON HOW TO DEAL WITH THE 100. BUT, I CAN TELL
21 YOU THAT I IMMEDIATELY SAW THE PLAN AS BEING ONE OF JUST
22 MORE LET'S DO THIS, LET'S TRY A STIPULATED AGREEMENT FOR
23 THESE 100 JURISDICTIONS, AND I KNEW THAT WASN'T GOING TO
24 WORK BECAUSE WE HAVEN'T GONE THROUGH THE CHECK AND ADJUST
25 PHASE THAT WE NEED TO BE MOVING FORWARD WITH RIGHT NOW. AND
26 WE'RE STARTING THAT PROCESS, AND I THINK THAT'S HEALTHY.

27 PAT, I WANT YOU JUST TO GO BACK A COUPLE
28 SLIDES TO THE RELATED ISSUES, BECAUSE I WANT TO BE REAL
29 CLEAR WHEN YOU ALL LEAVE THE TABLE ON WHAT THE BOARD'S
30 DIRECTION IS. AND I THINK I'VE GOT THAT, BUT I'D LIKE TO
31 SUMMARIZE IT. SO, THREE OR FOUR SLIDES, GO BACK IN YOUR
32 COMPUTER, PUNCH IT UP TO -- IT'S HEADED "RELATED ISSUES."

33 ALL RIGHT. LET ME JUST BE CLEAR. THE 14
34 ADDITIONAL BIENNIAL REVIEWS THAT ARE ON TODAY'S AGENDA, NONE
35 OF THOSE INCLUDE ANY BASE-YEAR ADJUSTMENTS, WE REMOVED
36 THOSE. CORRECT?

37 MS. FRIEDMAN: CORRECT.

38 MR. CHANDLER: SO WHEN WE TAKE THOSE UP LATER,
39 THIS ISSUE IS -- GO ON TO THE NEXT SLIDE.

40 MS. FRIEDMAN: CORRECT.

41 MR. CHANDLER: GO ON TO THE NEXT SLIDE. I'M
42 LOOKING AT THE ONE THAT SAYS "RELATED ISSUES CONTINUED," 70
43 MORE BIENNIAL REVIEWS ARE IN PREPARATION.

44 NOW, AS I UNDERSTAND IT, YOU DON'T KNOW THE
45 MEASUREMENT STATUS OF SOME OF THESE, AS IT GOES ON TO SAY,
46 SO THERE MAY BE SOME THAT WILL FALL INTO THIS 100 CATEGORY.

47 MS. FRIEDMAN: CORRECT.

48 MR. CHANDLER: SO WHAT I'M HEARING THE BOARD SAY
49 TODAY IS, OF THOSE THAT YOU GET A MEASUREMENT STATUS CLEAR

1 AND IT'S NOT, QUOTE, "INCOMPREHENSIBLE," YOU CAN MOVE
2 FORWARD WITH THE CURRENT POLICY, IF IT FALLS INTO ONE OF
3 THOSE FOUR POLICY ARENAS THAT THE BOARD, IN '97, ALLOWED.

4 BUT, IF IT IS INCOMPREHENSIBLE WE'RE NOT
5 GOING TO MOVE FORWARD ON ANY OF THOSE, WE'RE NOT GOING TO
6 TRY TO COME UP WITH ANOTHER TIER OR ANOTHER FIX FOR THEM,
7 YOU'RE JUST GOING TO LEAVE IT. AND WE'LL DISCUSS THAT IN --
8 PERHAPS IN THE MAY BOARD DISCUSSION.

9 AND SO WHEN YOU SAY 80 JURISDICTIONS HAVE NOT
10 SUBMITTED MEASUREMENT FIXES, THAT'S GOING TO BE THEIR
11 PROBLEM, NOT OURS. THE 20 JURISDICTIONS THAT HAVE SUBMITTED
12 MEASUREMENT FIXES, I'M HEARING THE BOARD SAYING THAT WE'RE
13 NOT IN -- MOVING OFF THE '97 POLICY, AT LEAST TODAY, SO YOU
14 CAN MOVE THOSE FORWARD IF YOU CAN PROVIDE THE DOCUMENTATION,
15 AND THE ACCURACY, AND THE KINDS OF CONDITIONS THAT WE HEARD
16 TODAY.

17 GO TO THE NEXT SLIDE. AND THEN I THINK
18 FINALLY, WHAT WE HEARD THERE, THAT BEFORE WE START ANY
19 DISCUSSION WITH HOW WE'RE GOING TO START A 1066 PROCESS, AND
20 HOW SOME ARE SAYING, YOU KNOW, AT LEAST THE HUNDRED
21 JURISDICTIONS, WE WOULDN'T EVEN BE ABLE TO MEET THE 1066
22 CRITERIA BECAUSE WE CAN'T FIGURE OUT HOW TO MOVE FORWARD.
23 AGAIN, THAT'S GOING TO BE THEIR PROBLEM, AND WE'LL DISCUSS
24 THAT MORE IN THE FUTURE.

25 SO, AS WE KIND OF WRAP UP, AND WE'RE IN THIS
26 CHECK AND ADJUST PHASE, DO YOU HAVE ANY QUESTIONS, SO THAT
27 WHEN YOU LEAVE YOU'RE PRETTY CLEAR ON WHAT THE BOARD'S
28 EXPECTATIONS ARE FOR THE FUTURE?

29 MS. FRIEDMAN: JUST ONE QUESTION. I UNDERSTAND WE
30 PROCESS THE 20 THAT ARE IN PLACE; THE 80, IT'S THEIR --

31 MR. CHANDLER: WITH REALLY STRINGENT REVIEW --

32 MS. FRIEDMAN: -- STRINGENT REVIEW.

33 MR. CHANDLER: -- OF THE ACCURACY OF THE
34 DOCUMENTED DATA, *ET CETERA*.

35 MS. FRIEDMAN: GOT THAT. OF THE 80 THAT HAVEN'T
36 SUBMITTED, WHAT WOULD YOU LIKE US TO DO IF THEY SUBMIT
37 BETWEEN NOW AND, YOU KNOW, WHENEVER?

38 CHAIRMAN EATON: I THINK A LETTER SHOULD GO OUT
39 WITHIN THE NEXT COUPLE OF DAYS TELLING THEM THEY HAVEN'T
40 SUBMITTED.

41 MR. CHANDLER: AND AS I UNDERSTAND IT, WE CAN MOVE
42 FORWARD TO PUT THEM ON A COMPLIANCE ORDER.

43 CHAIRMAN EATON: CORRECT.

44 MR. CHANDLER: NOT A STIPULATED AGREEMENT, BUT A
45 COMPLIANCE ORDER.

46 MS. FRIEDMAN: YES, WE CAN --

47 MEMBER PENNINGTON: I THINK THE LETTER SHOULD SAY
48 THAT --

49 (THE PARTIES SIMULTANEOUSLY SPEAK.)

1 MEMBER JONES: -- HEARING RIGHT, INSTEAD OF A
2 COMPLIANCE ORDER --
3 (THE PARTIES SIMULTANEOUSLY SPEAK.)
4 MS. FRIEDMAN: THE BIENNIAL REVIEW PROCESS WOULD
5 COMPLETE -- BE COMPLETED, AND WE WOULD TREAT THEM LIKE WE
6 TREATED THE THREE JURISDICTIONS THAT WENT FOR A COMPLIANCE
7 ORDER, WE WOULD GO THROUGH THAT PROCESS.
8 MEMBER JONES: RIGHT. LET THEM COME UP, LET THEM
9 COME IN FRONT OF THE BOARD, PUT THEM ON A COMPLIANCE ORDER.
10 MEMBER PENNINGTON: RIGHT.
11 MR. CHANDLER: ALL RIGHT. SO, ARE THERE ANY OTHER
12 AREAS OF QUESTION THAT YOU HAVE, BECAUSE I WANT TO --
13 MS. FRIEDMAN: STAFF WAS WHISPERING IN MY EAR. ON
14 THE ONES THAT THE LETTER GOES OUT FOR -- TELLING THEM THAT
15 THEY HAVE A HEARING DATE FOR THEIR BIENNIAL REVIEW, DO WE
16 WANT TO GIVE THEM A DATE BY WHICH THEY COULD SUBMIT OR THEY
17 GO TO A COMPLIANCE ORDER, OR DIRECTLY TO THE BIENNIAL
18 REVIEW?
19 MR. CHANDLER: WELL, IT SEEMS TO ME YOU'VE ALREADY
20 SENT THEM ONE LETTER --
21 CHAIRMAN EATON: RIGHT.
22 MR. CHANDLER: -- AND THEY'VE INDICATED THEY CAN'T
23 FIGURE OUT HOW TO PUT THE NUMBERS TOGETHER, OR THERE'S BEEN
24 SOME COMMUNICATION --
25 (THE PARTIES SIMULTANEOUSLY SPEAK)
26 BUT YOU KNOW, WHAT CAN BE DONE IS DO A NEW WASTE GENERATION
27 STUDY. YOU'VE LISTED THEM ALL UP HERE.
28 I WOULD JUST SIMPLY REITERATE THE POLICY THAT
29 THEY SHOULD AVAIL THEMSELVES OF, BUT THEY ARE BEING NOTICED
30 IN THIS LETTER THAT THEY'RE ON THE PATH TOWARDS A COMPLIANCE
31 ORDER FOR FAILURE TO HAVE GIVEN YOU GUYS CLARITY IN HOW IT
32 IS THAT YOU CAN MAKE HEAD NOR TAILS OF WHERE THEY'RE AT
33 THROUGH YOUR BIENNIAL REVIEW PROCESS.
34 CHAIRMAN EATON: AND, JUDY, I DO APPRECIATE YOUR
35 AND PAT, AND THE DEPARTMENT'S WORK EFFORTS.
36 WITH THAT IN MIND, I WOULD HOPE THAT YOU, AS
37 THE DEPARTMENT DIRECTOR, WOULD THEN SPEND YOUR TIME
38 RESOLVING THOSE WHO ARE IN THE DOOR ALREADY, AND NOT TAKING
39 UP AN INORDINATE AMOUNT OF PHONE TIME OF YOU OR YOUR STAFF
40 WITH REGARD TO THE 80 WHO AREN'T STILL OUT THERE.
41 AS YOU HAVE INFORMED US, YOU HAVE GOT MANY
42 THAT YOU'RE IN THE PROCESS OF REVIEWING. THOSE INDIVIDUALS
43 HAVE PLAYED BY THE RULES, THAT'S WHERE YOUR FOCUS SHOULD BE.
44 AND IF THEY HAVE A QUESTION OR WHATEVER, MY NUMBER IS 255-
45 2177, I WOULD BE HAPPY TO ACCEPT THEIR CALLS, AND TELL THEM
46 EXACTLY THAT. I DON'T EXPECT YOU OR YOUR DEPARTMENT -- AND
47 I HOPE THAT THE BOARD SHARES THIS FEELING -- THAT YOU OUGHT
48 TO SPEND ANYMORE TIME OTHER THAN SENDING THE LETTER.
49 I MEAN, YOU'VE ALREADY -- HAVE GOT A BACKLOG

1 OF, WHAT, A HUNDRED AND SOME-ODD TO STILL COME BEFORE US?
2 HOW MANY BASE-YEAR ADJUSTMENTS? THAT ARE IN THE DOOR?

3 MS. FRIEDMAN: TWENTY ARE IN THE DOOR.

4 CHAIRMAN EATON: AND HOW MANY THAT YOU STILL HAVE
5 -- YOU KNOW, YOU'RE DOING THE REVIEWS ON, REMEMBER, BY APRIL
6 15TH?

7 MS. FRIEDMAN: SEVENTY.

8 CHAIRMAN EATON: SEVENTY. SO WE'VE GOT 90 THAT
9 YOU'RE ALREADY WORKING ON TRYING TO GET IN SHAPE TO PRESENT
10 TO THE BOARD, SO WE CAN MAKE AN EVALUATION. THOSE SHOULD BE
11 YOUR PRIORITY.

12 LET'S TAKE A FEW-MINUTE BREAK AND WE'LL -- IF
13 YOU SNOOZE YOU LOSE, IF YOU SNORE YOU LOSE MORE.

14 MR. SWEETSER: I JUST SORT OF WANTED TO END ON AN
15 UP-NOTE IF I COULD, BECAUSE I THINK THE POLICY HAS WORKED IN
16 A LOT OF SENSE. AND I'VE WORKED WITH STAFF ON A NUMBER OF
17 COMMUNITIES, AND I THINK JUST THE TESTIMONY OF 80
18 JURISDICTIONS GETTING APPROVAL FOR BASE-YEAR ADJUSTMENTS,
19 AND ONLY 90 MORE OUT OF THE 500 OR SO, DOES INDICATE THAT A
20 LOT OF THE SYSTEM DOES WORK. AND STAFF HAS BEEN VERY
21 JUDICIOUS AT GOING THROUGH THOSE REPORTS WITH US BEFORE THEY
22 EVEN COME TO YOU.

23 CHAIRMAN EATON: CORRECTION, IT'S OVER 270, IF YOU
24 INCLUDE THE HUNDRED THAT STILL HAVEN'T BEEN COUNTED.

25 MR. SWEETSER: BUT GIVEN THE FACT THAT WE'RE USING
26 VERY SIMPLE FORMULAS ON ONE-SIZE-FITS-ALL I THINK IT'S DONE
27 PRETTY WELL.

28 THERE ARE A FEW ISSUES THAT NEED TO BE LOOKED
29 AT, NOT NECESSARILY TODAY, BUT THEY COULD COME IN UNDER
30 POLICY ISSUES, THINGS WITH DISPOSAL REPORTING, THINGS THAT
31 NEED TO BE CONSIDERED, THE FORMULA. THERE'S CONCERNS OF
32 THINGS THAT MR. WHITE HAD MENTIONED EARLIER THAT HAD NOT
33 BEEN CONSIDERED. RESTRICTED WASTE ISSUES FROM THE BASE-YEAR
34 ISSUES.

35 AND ALSO, ONE ISSUE THAT'S COME BEFORE THE
36 BOARD A FEW TIMES IS CLASS TWO WASTE IS NOW COUNTED IN BASE-
37 YEAR, AND THERE NEEDS TO BE SOME RESOLUTION ON THAT ISSUE.

38 BUT, I THINK THE POLICY DOES WORK, AND WE'LL
39 BE HAPPY TO PARTICIPATE IN ANY OTHER WORKSHOPS. THANK YOU.

40 CHAIRMAN EATON: THANK YOU.

41 SENATOR ROBERTI?

42 MEMBER ROBERTI: YES. BEFORE WE BREAK I WANT TO
43 MAKE A COMMENT ON THE ADJUSTMENTS STAFF IS MAKING WITH
44 JURISDICTIONS, WHICH IS A -- VERY IMPORTANT.

45 HOWEVER, AT THE SAME TIME I'VE BEEN HEARING -
46 - GETTING ACQUAINTED WITH 1066, WHICH IS GOING TO ALLOW
47 EXTENSIONS. AND JUST TO GIVE YOU A LITTLE INPUT OF WHERE MY
48 MIND IS ON THIS, SINCE WE'RE BEING RELATIVELY GENEROUS AND
49 UNDERSTANDING, AS WE SHOULD BE, WITH BASE-YEAR ADJUSTMENTS,

1 I MYSELF THINK THAT WE SHOULD ACT VERY GINGERLY, AND WELL
 2 LATE INTO NEXT YEAR BEFORE WE START GIVING EXTENSIONS, AS
 3 WELL. OTHERWISE, WE MIGHT AS WELL PUT THE WHOLE THING INTO
 4 A ROCK AND SHOOT IT OFF TO SPACE, BECAUSE WE DIDN'T MEAN
 5 ANYTHING BY ANYTHING.

6 SO, I HOPE WE'RE NOT PLANNING TO NOW START
 7 OUR NEXT ROUND OF GENEROSITY, AND THAT IS WITH THE 1066
 8 EXTENSIONS, REAL QUICK. YOU KNOW, OTHERWISE OUR DIVERSION
 9 NORM -- WHAT? -- BY 2000 IS MEANINGLESS.

10 CHAIRMAN EATON: THANK YOU, I THINK YOUR COMMENTS
 11 ARE WELL TAKEN. AND THAT'S NOT WHERE WE'RE GOING.

12 MEMBER ROBERTI: OKAY, FINE. FINE.

13 CHAIRMAN EATON: I THINK WE TAKE OUR BREAK NOW.

14 (WHEREUPON A SHORT RECESS WAS TAKEN)

15 CHAIRMAN EATON: ALL RIGHT. IF WE CAN COME BACK
 16 TO ORDER?

17 A SHORT NOTE HERE FOR EVERYONE'S LUNCH PLANS
 18 SO THEY CAN MAKE ADJUSTMENTS. THANKS TO BOARD MEMBER
 19 PENNINGTON, WHO HAD A PREVIOUS COMMITMENT, AS HE ALWAYS HAS
 20 DONE, HE HAS DECIDED TO PUT HIS OWN PERSONAL INTERESTS
 21 ASIDE, AND TO THE BENEFIT OF ALL OF US MEMBERS AND THE
 22 PEOPLE IN THE AUDIENCE.

23 WHAT WE WILL DO IS, WE WILL MOVE THROUGH VERY
 24 QUICKLY THE REST OF THE AGENDA, AND THEN CONCLUDE THE
 25 MEETING. AND HOPEFULLY WE WILL BE OUT OF HERE -- AND I HATE
 26 TO PREDICT, BUT --

27 MEMBER JONES: SOON.

28 CHAIRMAN EATON: SOON. BUT I THINK SOME OF THESE
 29 THINGS ARE VERY IMPORTANT. AND WHAT I WOULD LIKE TO BE ABLE
 30 TO DO IS MOVE VERY QUICKLY IN THE PRESENTATION, SOME OF
 31 THESE REQUIRE VERY LITTLE PRESENTATION. AND, OBVIOUSLY, IF
 32 THERE'S DISCUSSION I DO NOT WANT TO STIFLE THAT.

33 AGENDA ITEM NO. 15: CONSIDERATION OF STAFF RECOMMENDATION
 34 ON THE BIENNIAL REVIEW FINDINGS FOR THE SOURCE REDUCTION AND
 35 RECYCLING ELEMENT FOR THE FOLLOWING JURISDICTIONS (FIRST OF
 36 TWO ITEMS)

37 BUT LET'S BEGIN WITH, OFF THE CONSENT
 38 CALENDAR, WHICH WAS PULLED, 15-H, MS. FRIEDMAN. I'M SORRY,
 39 MS. CARDOZO.

40 MS. FRIEDMAN: IN THE INTEREST OF TIME, MS.
 41 CARDOZO IS GOING TO GO RIGHT FOR THE PRESENTATION.

42 CHAIRMAN EATON: AH, YOU'RE LEARNING.

43 MS. CARDOZO: GOOD MORNING CHAIRMAN EATON AND
 44 BOARD MEMBERS, I AM CATHERINE CARDOZO WITH THE OFFICE OF
 45 LOCAL ASSISTANCE, CENTRAL SECTION. I'M PRESENTING
 46 SUBSECTION H OF AGENDA ITEM NO. 15, WHICH WAS PULLED FROM
 47 YESTERDAY'S CONSENT CALENDAR, AND IT IS THE BIENNIAL REVIEW
 48 RESULTS FOR THE CITY OF LOMPOC IN SANTA BARBARA COUNTY.

49 BASICALLY, STAFF HAS REVIEWED AND ANALYZED

1 THE CITY'S SRRE, AS WELL AS INFORMATION PROVIDED IN THEIR
 2 1995 AND 1996 ANNUAL REPORTS. AND STAFF FINDS THAT THE CITY
 3 IS IMPLEMENTING THEIR SRRE, OR SOURCE REDUCTION AND
 4 RECYCLING ELEMENT, AND THEY HAVE MET THE DIVERSION GOALS FOR
 5 1995.

6 THEY ARE AT -- WERE AT 48 PERCENT IN 1995,
 7 AND 50 PERCENT IN 1996. AND THEIR MAIN DIVERSION PROGRAMS
 8 WERE A COMMERCIAL CURBSIDE, AS WELL AS SELF-HAUL GREEN WASTE
 9 COLLECTION PROGRAM THAT IS GROUND AND USED AS MULCH. THEY
 10 HAVE GRASS- CYCLING AND (INDISCERNIBLE) SCAPING, C&D
 11 DIVERSION, AND THEY HAVE IMPLEMENTED MOST OF THE PROGRAMS
 12 THEY HAD PLANNED TO, OR ARE PLANNING TO IMPLEMENT THEM IN
 13 THE FUTURE, SUCH AS CURBSIDE FOR RESIDENTIAL GREEN WASTE.
 14 THEY DO NOT HAVE ANY BASE-YEAR CHANGES OR GOAL REDUCTIONS.

15 AND THAT CONCLUDES MY PRESENTATION. ARE
 16 THERE ANY QUESTIONS?

17 CHAIRMAN EATON: QUESTIONS? HEARING NONE, I'LL
 18 ENTERTAIN A MOTION.

19 MEMBER PENNINGTON: I'LL MOVE WE ADOPT THE
 20 BIENNIAL REVIEW FINDINGS FOR LOMPOC IN SANTA BARBARA COUNTY.

21 MEMBER JONES: I'LL SECOND.

22 CHAIRMAN EATON: ALL RIGHT. MR. PENNINGTON MOVES,
 23 AND MR. JONES SECONDS, THAT WE ADOPT THE BIENNIAL REVIEW.

24 MADAM SECRETARY, PLEASE CALL THE ROLL.

25 THE SECRETARY: BOARD MEMBERS JONES?

26 MEMBER JONES: AYE.

27 THE SECRETARY: PENNINGTON?

28 MEMBER PENNINGTON: AYE.

29 THE SECRETARY: ROBERTI?

30 MEMBER ROBERTI: AYE.

31 THE SECRETARY: CHAIRMAN EATON?

32 CHAIRMAN EATON: AYE.

33 THE MOTION PASSES.

34 AGENDA ITEM NO. 16: CONSIDERATION OF STAFF RECOMMENDATION
 35 ON THE BIENNIAL REVIEW FINDINGS FOR THE SOURCE REDUCTION AND
 36 RECYCLING ELEMENT FOR THE FOLLOWING JURISDICTIONS (SECOND OF
 37 TWO ITEMS)

38 CHAIRMAN EATON: ITEM NO. 16.

39 MS. CARDOZO: AGAIN, FOR THE RECORD, MY NAME IS
 40 CATHERINE CARDOZO, OFFICE OF LOCAL ASSISTANCE, CENTRAL
 41 SECTION. I'M PRESENTING AGENDA ITEM NO. 16, THE BIENNIAL
 42 REVIEW RESULTS FOR THE CITIES OF SAN JOAQUIN AND SELMA IN
 43 FRESNO COUNTY.

44 AND AFTER REVIEWING THE SAME INFORMATION THAT
 45 -- THEIR SRRE AND ANNUAL REPORTS FOR '95 AND '96, BOTH THESE
 46 JURISDICTIONS WERE BELOW THE 1995 GOAL OF 25 PERCENT IN
 47 EITHER 1995 OR '96, OR BOTH. BUT WE HAVE DETERMINED THEY
 48 ARE STILL MAKING A GOOD-FAITH EFFORT TO IMPLEMENT THEIR
 49 DIVERSION PROGRAMS.

1 AS FAR AS SPECIFICS, FOR THE CITY OF SAN
2 JOAQUIN, IT IS A RURAL JURISDICTION. THEY HAD A DIVERSION
3 RATE OF 22 PERCENT IN '95 AND 31 PERCENT IN '96. AND THE
4 CITY BELIEVES THAT THEY ARE GETTING THEIR CURBSIDE PROGRAM
5 UP AND RUNNING IN 1996 LED TO THE INCREASE IN THE DIVERSION
6 BETWEEN THE TWO YEARS. AND THE MOST SIGNIFICANT DIVERSION
7 PROGRAMS FOR THE CITY ARE NEWSPAPER, CARDBOARD AND PLASTICS
8 RECYCLING PROBLEMS.

9 THE CITY OF SELMA, THEIR 1995 DIVERSION RATE
10 WAS 12 PERCENT, AND IN 1996 IT WAS 23 PERCENT.

11 SELMA IS NOT A RURAL CITY, AND THEIR MAJOR
12 PROGRAMS ARE CURBSIDE RECYCLING, A WEEKLY CURBSIDE
13 COLLECTION OF GREEN WASTE, RECYCLING DROP-OFFS AT SHOPPING
14 CENTERS, TWO ANNUAL CLEANUP DAYS IN WHICH MATERIALS ARE
15 SORTED FOR RECYCLING, AS WELL AS A LARGE EDUCATION PROGRAM.
16 AND THE CITY IS THINKING THAT MAYBE ONE OF THE REASONS WHY
17 THEIR NUMBERS ARE LOW IS THAT THERE COULD BE AN INACCURACY
18 IN THEIR BASE-YEAR, WHICH THEY ARE LOOKING AT TO SEE WHERE
19 THE INACCURACY MIGHT BE.

20 STAFF BELIEVES BOTH CITIES ARE MAKING A GOOD-
21 FAITH EFFORT TO IMPLEMENT THEIR PROGRAMS, DESPITE THEY ARE
22 LOWER THAN THE 25 PERCENT GOAL. AND A REPRESENTATIVE OF THE
23 CITY OF SELMA IS HERE IF YOU HAVE ANY QUESTIONS.

24 THAT CONCLUDES MY PRESENTATION.

25 CHAIRMAN EATON: ANY QUESTIONS OF MS. CARDOZO OR
26 THE CITY?

27 MEMBER JONES: NOT SO MUCH FOR THE -- HOW MANY
28 PEOPLE ARE IN THE CITY OF SELMA?

29 MS. CARDOZO: SELMA HAS -- IN 1990 THEIR
30 POPULATION WAS APPROXIMATELY 17,700. AND SO THEY'RE ABOUT
31 321 DOWN ON THE LIST OF THE 528.

32 MEMBER JONES: I DO HAVE A COUPLE OF QUESTIONS ON
33 SAN JOAQUIN THOUGH. THEY HAVE NO GREEN WASTE PROGRAMS, THEY
34 HAVE A CURBSIDE PROGRAM, SOME DROP-OFFS, SOME SPECIAL WASTE.
35 WHERE DO THEY THINK THEY'RE GETTING THE MAJORITY OF THEIR
36 31 PERCENT DIVERSION?

37 MS. CARDOZO: MOSTLY FROM --

38 MEMBER JONES: IS IT CONCRETE?

39 MS. CARDOZO: WELL, LET'S SEE.

40 MALE VOICE: AGRICULTURE?

41 MS. CARDOZO: WHEN WE ASKED THEM WHY THEY THOUGHT
42 THEIR NUMBERS WERE THERE, IT WAS MOSTLY FROM THE CARDBOARD
43 AND THE NEWSPAPER PROGRAMS.

44 THE CITY OF SAN JOAQUIN, THEY HAVE -- THEY DO
45 HAVE A RESIDENTIAL CURBSIDE AND DROP-OFF, AND BUY-BACK ON
46 SITE. COMMERCIAL PICK-UP, THAT'S THE CARDBOARD WE WERE
47 TALKING ABOUT, AND OFFICE PAPER. THEY ARE PLANNING FOR A
48 CURBSIDE GREEN WASTE, AS WELL AS THE -- THEY ARE IN THE --
49 PLANNING THE -- A RESIDENTIAL AND COMMERCIAL GREEN WASTE

1 COLLECTION PROGRAM, BUT IT IS NOT IMPLEMENTED YET.
2 MEMBER JONES: THAT'S A LOT OF CARDBOARD.
3 MS. CARDOZO: THEY DO HAVE A CONCRETE AND ASPHALT
4 PROGRAM, C&D MANAGEMENT PROGRAM, WHICH IS PROBABLY PART OF
5 THE WASTE.
6 MEMBER PENNINGTON: MR. CHAIRMAN?
7 CHAIRMAN EATON: MR. PENNINGTON.
8 MEMBER PENNINGTON: I'LL MOVE THE ADOPTION OF THE
9 BIENNIAL REVIEW FINDINGS FOR THE SOURCE REDUCTION AND
10 RECYCLING ELEMENT FOR THE CITIES OF SAN JOAQUIN AND SELMA IN
11 FRESNO COUNTY.
12 CHAIRMAN EATON: DO I HAVE A SECOND?
13 MS. CARDOZO: IF I MAY ADD, THERE WAS A
14 REPRESENTATIVE FOR THIS CITY YESTERDAY BUT SHE HAD TO LEAVE
15 AT ABOUT 3:30, SO -- AND COULD NOT RETURN TODAY.
16 CHAIRMAN EATON: WOULD IT BE HELPFUL, SINCE THERE
17 SEEM TO BE SOME QUESTIONS, THAT MAYBE IF WE WANT TO PUT THIS
18 OVER AND SEEK SOME ADDITIONAL QUESTIONS?
19 MEMBER JONES: I HATE TO -- YOU KNOW, I DON'T
20 THINK I'D MIND VOTING FOR IT, BUT I SURE WOULD MIND
21 SECONDING IT.
22 MEMBER ROBERTI: SECOND.
23 CHAIRMAN EATON: OKAY. MR. ROBERTI, A COURTESY
24 SECOND WITH REGARD TO THE MATTER.
25 (BOARD MEMBERS SIMULTANEOUSLY SPEAK; SIDE-BAR
26 COMMENTS.)
27 CHAIRMAN EATON: THAT WAS PRETTY GOOD, COURTESY,
28 HUH? YOU LIKE THAT, AN OLD TERM. I WANTED TO MAKE SURE
29 THAT'S COURTESY, C-O-U-R-T-E-S-Y -- JUST KIDDING.
30 OKAY. MR. PENNINGTON MOVES, AND SENATOR
31 ROBERTI SECONDS, REGARDING THE STAFF RECOMMENDATION ON
32 BIENNIAL REVIEW FINDINGS FOR THE SRRE FOR THE CITIES OF SAN
33 JOAQUIN AND SELMA.
34 WITHOUT OBJECTION, I'LL SUBSTITUTE THE
35 PREVIOUS ROLL CALL. HEARING NO OBJECTIONS, SO IT SHALL BE
36 ORDERED.
37 AGENDA ITEM NO. 25: CONSIDERATION OF A REDUCTION IN THE 50
38 PERCENT DIVERSION REQUIREMENT FOR THE CITY OF NEWMAN,
39 STANISLAUS COUNTY [SEE PUBLIC COMMENT(S) INCLUDED IN THE
40 PROCEEDINGS OF MARCH 23, 1999, VOLUME I.]
41 CHAIRMAN EATON: ITEMS NO. 17 THROUGH 24 WERE ON
42 YESTERDAY'S CONSENT CALENDAR. THEREFORE, WE'LL MOVE RIGHT
43 TO ITEM NO. 25.
44 MS. CARDOZO: I'D LIKE TO INTRODUCE THERESA BOBER,
45 SHE IS NEW TO THE BOARD AS OF LAST AUGUST, AND THIS IS HER
46 FIRST PRESENTATION. AND STANISLAUS IS ONE OF HER COUNTIES,
47 AND SHE WILL BE PRESENTING ITEM NO. 25 FOR YOU TODAY.
48 MS. BOBER: GOOD MORNING CHAIRMAN EATON AND BOARD
49 MEMBERS. I'M THERESA BOBER WITH THE OFFICE OF LOCAL

1 ASSISTANCE, CENTRAL UNIT, AND I'M HERE TO PRESENT ITEM 25,
2 CONSIDERATION OF A REDUCTION IN THE 50 PERCENT DIVERSION
3 REQUIREMENT FOR THE CITY OF NEWMAN.

4 THE CITY OF NEWMAN IS AN INCORPORATED CITY
5 WITHIN STANISLAUS COUNTY, AND THEY ARE PETITIONING FOR A
6 REDUCTION FROM THE 50 PERCENT DIVERSION RATE REQUIRED BY AB
7 939, TO A DIVERSION RATE OF 36 PERCENT. NEWMAN IS ELIGIBLE
8 TO PETITION FOR A REDUCTION BECAUSE OF THEIR RURAL STATUS,
9 AND BECAUSE MEETING THE 50 PERCENT DIVERSION REQUIREMENT IS
10 NOT FEASIBLE DUE TO THEIR SMALL GEOGRAPHIC SIZE, AND SMALL
11 QUANTITY OF SOLID WASTE GENERATED.

12 NEWMAN IS THE SECOND SMALLEST OF NINE
13 INCORPORATED CITIES IN STANISLAUS COUNTY. THE SMALLEST
14 JUDGEMENT, HUGHSON, WAS GRANTED A PETITION FOR REDUCTION TO
15 A 38 PERCENT DIVERSION RATE AT THE APRIL 29TH, 1998, BOARD
16 MEETING.

17 CURRENTLY NEWMAN IS AGGRESSIVELY TARGETING
18 WASTE BY PARTICIPATING IN SUCH PROGRAMS AS A CURBSIDE
19 RECYCLING PROGRAM FOR SINGLE- AND MULTI-FAMILY RESIDENCES.
20 COMMERCIAL RECYCLING IS ALSO AVAILABLE TO SMALL, LOCAL
21 COMMERCIAL BUSINESSES. THEY HAVE A PROCUREMENT POLICY FOR
22 THE CITY. AND THEIR LOCAL GOVERNMENT RECYCLING INCLUDES
23 OFFICE PAPER AND GRASS-CYCLING FOR ALL CITY PARKS.

24 THERE ARE TWO INDUSTRIES THAT EXIST IN
25 NEWMAN, A STEEL FLANGE PLANT AND A CREAMERY, AND THEY BOTH
26 PARTICIPATE IN RECYCLING BY DIVERTING CARDBOARD AND STEEL,
27 RESPECTIVELY.

28 THEY HAVE A LEAF AND LIMB DIVERSION PROGRAM
29 WHERE RESIDENTS AND BUSINESSES MAY PUT OUT THEIR GREEN WASTE
30 FOR NOVEMBER THROUGH JANUARY FOR SPECIAL PICK-UP.

31 THEY ALSO HAVE AN EDUCATION PROGRAM WHICH
32 INCLUDES PUBLIC INFORMATION AND SCHOOL PROGRAMS. AND THEY
33 ARE INCLUDED IN THE RECYCLING MARKET DEVELOPMENT ZONE
34 BECAUSE THEY ARE INCLUDED WITHIN STANISLAUS COUNTY'S
35 DESIGNATION AS AN RMDZ.

36 NEWMAN HAS PROGRAMS IN PLACE FOR ALL
37 SIGNIFICANT WASTE TYPES, AND ALL SIGNIFICANT WASTE
38 GENERATORS ARE CURRENTLY DIVERTING MATERIALS.

39 NEWMAN ALSO WORKS COOPERATIVELY WITH
40 STANISLAUS COUNTY AND ITS INCORPORATED CITIES ON ALL ONGOING
41 PLANNING AND IMPLEMENTATION ACTIVITIES RELATED TO AB 939,
42 WHICH ARE PAID FOR OUT OF THE TIPPING FEE SURCHARGE TO WHICH
43 NEWMAN CONTRIBUTES.

44 NEWMAN HAS EXTENDED THEIR LEAF AND LIMB
45 COLLECTION PROGRAM FOR AN ADDITIONAL MONTH TO CAPTURE EVEN
46 MORE GREEN WASTE, WHICH IS DIVERTED TO A LOCAL COMPOSTING
47 FACILITY. NEWMAN EXPECTS TO GAIN AN ADDITIONAL 2.5 PERCENT
48 OVER THEIR CURRENT LEVEL OF APPROXIMATELY 24 PERCENT THROUGH
49 THIS PROGRAM, WHICH WOULD BRING THEM UP TO A 26 PERCENT

1 DIVERSION RATE.

2 THEY ALSO USE THE OGDEN MARTIN TRANSFORMATION
3 FACILITY, AND IN THE YEAR 2000 WILL BE ABLE TO COUNT AN
4 ADDITIONAL 10 PERCENT TO THEIR DIVERSION RATE, BRINGING
5 NEWMAN UP TO 36 PERCENT. IT IS THIS FIGURE THAT THE CITY OF
6 NEWMAN REQUESTS THE BOARD TO CONSIDER AS THEIR NEW DIVERSION
7 REQUIREMENT FOR THE YEAR 2000.

8 NEWMAN HAS SUBMITTED THE REQUIRED
9 DOCUMENTATION, ACCORDING TO SECTION 18775 OF THE CALIFORNIA
10 CODE OF REGULATIONS, AND MEETS THE CONDITIONS FOR
11 PETITIONING FOR A REDUCTION. IT IS THE STAFF'S
12 RECOMMENDATION THAT THE BOARD THEIR REQUEST.

13 THIS CONCLUDES MY PRESENTATION. IF YOU HAVE
14 ANY QUESTIONS I'D BE HAPPY TO TRY TO ANSWER THEM FOR YOU.

15 CHAIRMAN EATON: MR. JONES.

16 MEMBER JONES: MR. CHAIRMAN, A COUPLE OF THINGS.

17 WE HEARD TWO WITNESSES TESTIFY YESTERDAY.
18 ONE OF THEM, THOUGH, WAS TALKING ABOUT THE CONDITION OF THE
19 GENERAL FUND, BUT THE REPORT SAYS -- AND WE BROUGHT UP THE
20 ISSUE -- THAT THE PROGRAMS ARE PAID FOR BY THE RATE PAYERS.
21 SO, THE GENERAL FUND ISN'T FUNDING THESE PROGRAMS.

22 IS THAT REASONABLY ACCURATE?

23 MS. BOBER: AS I UNDERSTAND IT, THE TIPPING FEE
24 GOES INTO A POOL -- MICHELE SACKMAN, WHO WAS HERE YESTERDAY,
25 OUT OF THE 10 JURISDICTIONS SHE HANDLES NINE OF THEM, AND SO
26 THEY JOINTLY POOL THEIR MONEY --

27 MEMBER JONES: RIGHT.

28 MS. BOBER: -- FROM THE TIPPING FEE.

29 MEMBER JONES: TO PAY FOR HER.

30 BUT I MEAN, LIKE THE BARTOLOTTIS --

31 (THE PARTIES SIMULTANEOUSLY SPEAK.)

32 MS. BOBER: -- PROGRAMS --

33 MEMBER JONES: BARTOLOTTIS CHANGE THE COMMERCIAL
34 AND THE RESIDENTIAL, AND THEN PART OF THAT RATE OBVIOUSLY IS
35 THESE PROGRAMS THAT THEY PROVIDE.

36 MS. BOBER: I BELIEVE SO.

37 MEMBER JONES: OKAY. I THINK IN LIGHT OF THE
38 DISCUSSIONS TODAY, WHERE WE'RE TALKING ABOUT -- YOU KNOW,
39 THEY'RE AT 24 PERCENT, MAYBE THEY'RE GOING TO BE AT 26
40 PERCENT IF THEY GET THE EXTRA LEAF. THEN THEY GET 10-
41 PERCENT KICK FROM STANISLAUS FOR THE BURN, THEY'RE AT 36. I
42 DON'T HAVE ANY PROBLEM WITH -- I MEAN, THEY'VE DEMONSTRATED
43 TO ME THAT THEY'RE DOING PROGRAMS.

44 IT WOULD SEEM THAT WHEN WE COME AROUND TO THE
45 BIENNIAL REVIEW, THE NUMBER 50 PERCENT, YOU KNOW, ISN'T
46 GOING TO BE ATTAINABLE BY EVERYBODY, BUT GOOD-FAITH EFFORTS
47 ARE GOING TO BE TREATED.

48 THE HUGHSON ITEM WENT ON THE CONSENT
49 CALENDAR, IT WASN'T -- I MEAN, IF YOU LOOK AT THE

1 TRANSCRIPT, IT WAS ON THE CONSENT CALENDAR. SO, AND IT WAS
2 -- AND IT MET THE CRITERIA. THIS ONE MEETS THE CRITERIA.
3 BUT IT ALSO SENDS OUT A MESSAGE THAT WE'RE LOWERING THE RATE
4 AND I'M WORRIED THAT KEEPING 36 PERCENT MAY BE DIFFICULT IF
5 -- YOU KNOW, OR EVER GETTING 37 PERCENT MAY BE SOMETHING
6 THAT NEVER HAPPENS.

7 I'M NOT -- YOU KNOW, I'M NOT SURE THAT I'M
8 PREPARED TO VOTE FOR THIS JUST -- NOT TO HURT THIS CITY, BUT
9 JUST BECAUSE I THINK THEY'RE GOING TO -- I DON'T THINK
10 THEY'RE GOING TO GET HURT UNDER A GOOD-FAITH EFFORT, AS LONG
11 AS THEY KEEP THE PROGRAMS GOING.

12 MS. FRIEDMAN: IF I MAY? YOU'RE RAISING SOME GOOD
13 POINTS HERE IN TERMS OF, YOU KNOW, THERE'S DIFFERENT WAYS TO
14 LOOK AT JURISDICTION STATUS. THIS PARTICULAR JURISDICTION,
15 BEING RURAL, AND THERE'S A PROCESS FOR THEM SET FORTH IN
16 STATUTE, BUT WHEREBY THEY CAN ASK FOR A PETITION.

17 IT WOULD BE HELPFUL TO KNOW IF, IN THIS TIME
18 FRAME, ARE YOU LOOKING TO HAVE STAFF PROCESS THESE, OR NOT?
19 BECAUSE YOU'VE JUST RAISED A GOOD POINT, BECAUSE IF WE DID
20 IT IN THE BIENNIAL REVIEW PROCESS FOR THE YEAR 2000, MAYBE
21 THE SAME RESULTS, YOU KNOW, ARE ACHIEVED, MAYBE NOT. BUT IT
22 WOULD BE HELPFUL TO KNOW THAT, BECAUSE RURAL JURISDICTIONS,
23 OBVIOUSLY, FROM TIME TO TIME, YOU KNOW, COME TO THE BOARD
24 AND ASK FOR THESE PETITIONS.

25 AND AS A MATTER OF FACT, MY STAFF ARE TELLING
26 ME THERE'S THREE MORE THAT WE'RE IN THE PROCESS OF
27 ANALYZING, AND THE PAST PROCESS HAS BEEN TO -- YOU KNOW, TO
28 BRING THEM FORWARD. SO, IT WOULD BE HELPFUL FOR STAFF TO
29 KNOW WHAT YOU'RE THINKING AND WHAT YOUR GUIDANCE IS IN THIS
30 ARENA. IN THE PAST, RURAL JURISDICTIONS HAVE WANTED TO GET
31 THAT CERTAINTY.

32 MEMBER JONES: HOW MANY RURAL JURISDICTIONS HAVE
33 COME THROUGH FOR --?

34 MS. CARDOZO: THERE HAVE BEEN 20 JURISDICTIONS
35 WITH 25 PERCENT GOAL REDUCED, AND 12 WITH THE 50 PERCENT.
36 AND OF THE 50 PERCENT GOAL REDUCTION FIVE WERE COUNTIES AND
37 SEVEN WERE CITIES.

38 MEMBER JONES: THIS IS GOING TO BE ONE OF THOSE
39 THAT BECAUSE THERE ARE ONLY FOUR OF US --

40 MR. CHANDLER: WELL, I THINK THERE IS, YOU KNOW,
41 ROOM TO CONTINUE TO PROVIDE DIRECTION HERE. AND IT'S -- AND
42 I THINK WHAT I'M HEARING IS, IS THAT THIS IS ALL KIND OF --
43 I SHOULDN'T SAY THIS -- I'LL SURMISE. IT SOUNDS LIKE IT'S A
44 BIT ONE-WAY, WHERE THE JURISDICTIONS COME FORWARD AND
45 PRESENT THEIR BEST EVIDENCE AND ARGUMENTS FOR WHY THEY FEEL
46 THEY'RE ELIGIBLE FOR A PETITION REDUCTION.

47 AND, IT SEEMS TO ME, IF WE CONSIDERED
48 INDICATING TO THEM THAT THEY ARE -- APPEAR TO BE PUTTING IN
49 PLACE SOME REASONABLE PROGRAMS, AND WE LOOK FORWARD TO

1 SEEING HOW FAR THEY'RE GOING TO MAKE BY THE YEAR 2000 GOAL -
2 - BUT, WHAT ARE YOU DOING RELATIVE TO CONSIDERING SOME OF
3 THESE PROGRAMS.

4 AND THEN WE OFFER THINGS LIKE, YOU KNOW, ARE
5 YOU -- YOU KNOW, ARE THEY USING RE-REFINED OIL IN ANY OF
6 THEIR FLEETS. NOW, MAYBE THEY JUST CONTRACT WITH THE COUNTY
7 FOR MOST OF THEIR SERVICES. BUT IT SEEMS TO ME THEY'RE
8 PROBABLY -- AS A CITY, PROCURING CERTAIN MATERIALS FOR
9 COUNTY GOVERNMENT OR.... SO, THEIR PROCUREMENT POLICIES
10 COULD BE INFLUENCED.

11 I MEAN, I THINK WE COULD GIVE THEM A SUITE OF
12 THINGS THAT WE WOULD LIKE TO SEE THEM IMPLEMENT AND BEGIN TO
13 ACCOMPLISH, AND TAKE UP THEIR STATUS WHEN IT'S JUDGMENT DAY,
14 IF YOU WILL, FOR THE YEAR 2000.

15 I MEAN, IF WE DON'T WANT TO SEND THIS SIGNAL
16 THAT WE'VE ALREADY JUST GIVEN IN TO THE 22 PERCENT PLUS THE
17 10 PERCENT FROM THE BURN PLANT, THEN WHY DON'T WE ASK THEM
18 TO CONSIDER KNOWN PROGRAMS THAT WE KNOW THAT ARE EFFECTIVE
19 IN JURISDICTIONS AROUND THE STATE? AND, SEE WHAT KIND OF
20 GOOD-FAITH EFFORT IS FOLLOWED BY THE JURISDICTION IN THOSE
21 AREAS?

22 OTHERWISE, YOU'RE RIGHT, YOU'RE JUST GOING TO
23 FALL BACK TO THE POLICY THAT WE'VE EXPERIENCED IN THE PAST,
24 WHICH IS THE -- YOU KNOW, YOU MEET THE MINIMUM THRESHOLD OF
25 THE REG, SO YOU'RE IN.

26 MEMBER JONES: YOU KNOW, ONE OTHER THING, TOO. IF
27 WE REDUCE IT TO 36 AND THEY DON'T PICK UP THE TWO AND A
28 QUARTER PERCENT, AND THEY STAY AT, YOU KNOW, 33 AND A HALF,
29 IS THAT A GOOD-FAITH EFFORT?

30 MS. FRIEDMAN: THAT WOULD BE YOUR DETERMINATION.

31 MEMBER JONES: THEN I'M NOT GOING FOR THIS THING.

32 I MEAN, YOU CAN'T -- YOU KNOW, YOU CAN'T
33 REDUCE IT AND THEN LET THEM SEE THAT THEY'RE PRETTY CLOSE,
34 AND THEN THEY DON'T HIT EVEN THE NUMBER OF 36, AND THEN
35 WE'RE FACED WITH THE IDEA OF WAS THIS GOOD-FAITH EFFORT.
36 BECAUSE THEN YOU'RE CHANGING THE PARAMETERS.

37 IN MY MIND, THE PARAMETER IS, THIS IS A REAL
38 GOOD-FAITH EFFORT TO GET TO 50 PERCENT FOR THAT
39 JURISDICTION, I DON'T HAVE A PROBLEM WITH THAT. YOU KNOW?
40 BUT, I SURE HATE LOWERING THE BAR AND THEN BE FACED WITH
41 HAVING TO DETERMINE WHETHER OR NOT IT WAS A GOOD-FAITH
42 EFFORT TO EVEN HIT A REDUCED BAR. IT DOESN'T MAKE ANY SENSE
43 TO ME.

44 AND, IT DOESN'T HURT THEM. AND I -- I THINK
45 -- YOU KNOW, LIKE I SAID, I'M ONLY ONE OF THE SOMEDAY SIX.
46 BUT THAT -- YOU KNOW, IT -- I THINK WE NEED TO HOLD TRUE TO
47 -- YOU KNOW, THOSE JURISDICTIONS THAT HAVE ISSUES, BRING
48 THEM FORWARD. BUT, YOU KNOW, I DON'T -- I DON'T SEE A
49 PROBLEM HERE WITH -- WITH THESE GUYS ARE GOING TO MAKE GOOD-

1 FAITH EFFORT, I DON'T WANT TO LET THEM OFF THE HOOK.

2 CHAIRMAN EATON: MAY I JUST ASK, WHAT IS THEIR
3 GREEN PROCUREMENT POLICY? BECAUSE IT'S INTERESTING TO ME
4 THAT WE HAVE A LOCAL JURISDICTION THAT HAS A GREEN
5 PROCUREMENT POLICY. BUT WHAT DOES THAT POLICY EXIST -- I
6 MEAN, WHAT -- DO WE KNOW WHAT IT CONSISTS OF, JUST OUT OF
7 CURIOSITY? I MEAN, IS THERE ANY --

8 MS. BOBER: WELL, I THOUGHT I SAID THEY HAVE A
9 PROCUREMENT POLICY FOR THE CITY. THE GREEN WASTE ACTUALLY
10 WAS A LEAF AND LIMB PROGRAM THAT -- AND MAYBE WHAT WE SENT
11 YOU SAID GREEN WASTE, AND I WANTED TO SPECIFY, IT'S LEAF AND
12 LIMB, DURING THE MONTHS OF, I BELIEVE, NOVEMBER THROUGH
13 JANUARY. THAT THEY HAVE SPECIAL PICK-UP, BECAUSE THAT'S
14 WHEN LEAVES DROP.

15 MEMBER JONES: NO, I THINK YOU SAID GREEN
16 PROCUREMENT. RIGHT? MEANING RECYCLED CONTENT PRODUCT
17 PROCUREMENT.

18 MEMBER PENNINGTON: MR. CHAIRMAN?

19 CHAIRMAN EATON: YES.

20 MEMBER PENNINGTON: CAN I ASK ABOUT THE LEGALITY -
21 -

22 CHAIRMAN EATON: IT SAYS RECYCLED PRODUCT
23 PROCUREMENT POLICY. THAT -- I THINK THAT'S A GREEN
24 PROCUREMENT POLICY. THAT'S WHAT IT SAYS, CURRENT DIVERSION
25 PROGRAM, PAGE 25-4.

26 MS. BOBER: YOU KNOW, I'M NOT SURE SPECIFICALLY
27 FOR NEWMAN. I KNOW MICHELE SACKMAN -- FOR ALL NINE
28 JURISDICTIONS, THEY HAVE PROGRAMS IN PLACE WHERE -- FOR
29 INSTANCE, THE PARKS, THEY BUY RECYCLED PARK BENCHES AND THEY
30 USE THINGS -- I MEAN, WHEN THEY GO TO PURCHASE THEY MAKE
31 CERTAIN THAT, IF EVERYTHING BEING EQUAL, THEY BY RECYCLED
32 PRODUCTS. SO I THINK THAT'S WHAT THAT SPEAKS TO.

33 CHAIRMAN EATON: AND THAT MAY OR MAY NOT BE --
34 THAT'S A COUNTY-RUN PROGRAM, AND IT MAY OR NOT BE THAT THE
35 CITY GETS ANY BENEFIT FROM THAT, OR ALLOCATION. CORRECT? I
36 MEAN, THEY --

37 MS. BOBER: WELL, THEY PARTICIPATE IN THAT. ALL
38 OF THESE PROGRAMS ARE COUNTY-RUN.

39 CHAIRMAN EATON: YOU KNOW, MAYBE ONE OF THE WAYS
40 TO SOLVE THE PROBLEM.... MY UNDERSTANDING IS THAT THERE'S
41 TWO BILLS NOW PENDING BEFORE THE LEGISLATURE, WHICH MAY JUST
42 COMPLETELY TAKE THIS OUT OF OUR HANDS. ONE I THINK -- SO, I
43 MEAN, I DON'T KNOW IF YOU'RE AWARE, BUT THEY -- THERE ARE.

44 AND PERHAPS MAYBE WHAT WE SHOULD DO, AT LEAST
45 WITH REGARD TO THIS, IS CONTINUE IT AND IN THE MAY
46 DISCUSSION BRING BACK SOME INFORMATION. AND WE JUST NOT
47 CONSIDER ANY OF THESE UNTIL WE FIGURE OUT, YOU KNOW, WHETHER
48 OR NOT THE LEGISLATIVE PROCESS IS GOING TO, ONE, TAKE IT OUT
49 OF OUR HANDS. AND, IF SO, UNDER WHAT CONDITIONS WILL THEY

1 GRANT THEM.

2 AND IF WE DO HAVE SOME COMMENTS, WHAT I'D
3 LIKE TO BE ABLE TO DO IS, IF WE CAN GET SOME COMMENTS IN
4 THAT MAY MEETING -- BECAUSE THIS KIND OF FITS INTO THAT
5 DISCUSSION -- THEN WE CAN MAYBE, IF WE DECIDE TO, TAKE A
6 POSITION ON EITHER OF THE BILLS, MAKE COMMENTS, SUGGEST
7 AMENDMENTS, THOSE KINDS OF THINGS OR WHAT HAVE YOU. AND
8 THAT'S JUST A THOUGHT.

9 ANY COMMENTS OR -- MR. PENNINGTON, YOU HAD
10 SOME, I KNOW.

11 MEMBER PENNINGTON: YEAH, I -- A COUPLE OF THINGS.
12 ONE IS, IS THAT, YEAH, I THINK WE SHOULD LOOK AT THE
13 LEGISLATION AND PARTICIPATE IN THE PROCESS.

14 MY OTHER QUESTION THOUGH WAS, IS THAT THERE
15 SEEMS TO BE A STATUTORY PROCESS FOR THEM TO APPLY FOR THESE
16 THINGS. AND WE APPARENTLY HAVE FOLLOWED THAT IN THE PAST.
17 I JUST WANT TO MAKE SURE THAT, YOU KNOW, WE'RE NOT SORT OF
18 VIOLATING THE STATUTE BY NOT DOING WHAT THEY SUGGEST WE DO.

19 I MEAN, I TEND TO AGREE WITH MR. JONES, THAT,
20 YOU KNOW, I HATE TO KEEP LOWERING THE BAR FOR ALL THESE
21 JURISDICTIONS. BUT YOU CAN SORT OF ENLIGHTEN ME ON THE --

22 MR. BLOCK: CERTAINLY. ELLIOT BLOCK WITH THE
23 LEGAL OFFICE.

24 THE STATUTORY PROVISION STARTS IN PUBLIC
25 RESOURCES CODE WITH SECTION 41787, AND WE ALSO HAVE A
26 REGULATION. AND THE -- THEN IT GOES ON TO PROVIDE HOW
27 JURISDICTIONS QUALIFY, AND WHAT THE REDUCTIONS COULD BE.
28 BUT, THEY ARE PHRASED AS THE BOARD (PRESUMED QUOTATION) "MAY
29 REDUCE DIVERSION REQUIREMENTS."

30 I'LL JUST READ A LITTLE BIT LONGER. IF THE -
31 - (PRESUMED QUOTATION): "THERE IS A DEMONSTRATION, AND THE
32 BOARD CONCURS, BASED ON SUBSTANTIAL EVIDENCE IN THE RECORD
33 THAT ACHIEVING OF THE DIVERSION REQUIREMENTS IS NOT FEASIBLE
34 DUE TO" -- THEN WHICH IS -- SO IT IS -- DEFINITELY IT'S A
35 PERMISSIVE, IT'S NOT MANDATORY."

36 CHAIRMAN EATON: SENATOR ROBERTI.

37 MEMBER ROBERTI: MY OWN PREFERENCE WOULD BE THAT
38 WE CONSIDER THIS IN SORT OF MITIGATION KINDS OF THINGS AS TO
39 WHETHER THERE'S A GOOD-FAITH EFFORT, WHETHER WE SHOULD GIVE
40 EXTENSIONS.

41 I HATE -- I HATE GETTING AWAY TOO MUCH FROM
42 THE PERCENTAGE OF THE DIVERSION RATE, THAT IS -- THAT'S THE
43 THING THAT I -- WHICH I THINK THE PUBLIC PUT A CENTRAL
44 (PHONETIC) FOCUS ON, WAS -- THINKS THAT THIS BOARD'S ALL
45 ABOUT. AND THAT IF WE START MAKING THAT SO FEW THAT IT
46 DOESN'T MEAN ANYTHING, THEN I THINK WE WILL HAVE DONE A
47 DISSERVICE TO THE PUBLIC, AND ALSO TO THE ABILITY OF THIS
48 BOARD TO COMMAND ATTENTION AND RESPECT IN OUR MISSION.

49 SO, I'M NOT TOO EXCITED ABOUT ALTERING

1 PERCENTAGES. I'M MORE EXCITED ABOUT THINGS THAT MITIGATE
2 AND EXTEND MERCY TO PEOPLE WHO CAN'T -- TO JURISDICTIONS
3 THAT CAN'T -- CAN'T QUITE COMPLY. SO, I THINK THERE SHOULD
4 BE A DISCUSSION, BUT TO REDUCE THE PERCENTAGE, I'M GOING TO
5 SORT OF BE A HARD VOTE ON THAT, REDUCING PERCENTAGES.

6 MEMBER JONES: MR. CHAIRMAN?

7 CHAIRMAN EATON: MR. JONES.

8 MEMBER JONES: I WANT TO -- WE HAVE A RESOLUTION
9 IN FRONT OF US TO ADOPT -- OR, A CONSIDERATION TO ADOPT A
10 REDUCTION. I WANT TO MAKE A MOTION THAT WE NOT ADOPT THE
11 RESOLUTION, OR NOT ADOPT THE REDUCTION IN THE RATE.

12 CHAIRMAN EATON: OKAY. DO WE HAVE A SECOND ON --

13 MEMBER PENNINGTON: WELL, YOU COULD MOVE ADOPTION
14 --

15 CHAIRMAN EATON: SENATOR ROBERTI HAS --

16 MEMBER ROBERTI: SECOND -- NO, PENNINGTON, MR.
17 PENNINGTON --

18 (SIMULTANEOUS DISCUSSION)

19 CHAIRMAN EATON: MR. JONES HAS OFFERED, AND
20 SENATOR ROBERTI HAS SECONDED. IF YOU HAVE A SUBSTITUTE
21 MOTION --

22 MEMBER PENNINGTON: NO. NO, NO, I WAS JUST
23 SUGGESTING WE COULD --

24 CHAIRMAN EATON: ALL RIGHT.

25 MEMBER PENNINGTON: -- MOVE TO ADOPT
26 (THE PARTIES SPEAK SIMULTANEOUSLY)

27 CHAIRMAN EATON: LET ME TRY AND RESTATE IT. MR.
28 JONES HAS MOVED THAT WE DO NOT ADOPT RESOLUTION 1999-138,
29 AND SENATOR ROBERTI HAS SECONDED THAT MOTION.

30 IF THERE ARE NO SUBSTITUTE MOTIONS, OR OTHER
31 DISCUSSIONS, WITHOUT OBJECTION THEN I'LL SUBSTITUTE THE
32 PREVIOUS ROLL CALL. ANY OBJECTIONS?

33 HEARING NO OBJECTION, WE'LL SUBSTITUTE THE
34 PREVIOUS ROLL CALL VOTE AND MOTION BY MR. JONES, NOT
35 ALLOWING 1999-138 -- OR, NOT APPROVING RESOLUTION 1999-138.
36 THE MOTION IS HEREBY APPROVED.

37 MS. FRIEDMAN: EXCUSE ME, MR. CHAIR?

38 CHAIRMAN EATON: I'M SORRY, YEAH?

39 MS. FRIEDMAN: MAY I ASK FOR A CLARIFICATION?

40 CHAIRMAN EATON: SURE.

41 MS. FRIEDMAN: WE INDICATED --

42 CHAIRMAN EATON: IT'S A DOUBLE NEGATIVE, WHICH
43 KIND OF IS LIKE IT'S DENIED.

44 MS. FRIEDMAN: NO, I UNDERSTAND THAT THIS ONE IS
45 DENIED.

46 BUT, THERE'S THREE MORE IN THE HOPPER, AT
47 LEAST IN TERMS OF REVIEW. ARE WE SUGGESTING -- ARE WE
48 GETTING DIRECTION HERE THAT WE ARE -- SHOULD NOT BE BRINGING
49 AGENDA ITEMS FORWARD WITH THEIR REQUESTS?

1 BECAUSE, STATUTE IS PERMISSIVE IN TERMS OF
2 YOUR EITHER GIVING IT OR NOT. BUT IT ALSO IS SPECIFIC THAT
3 THEY ARE ELIGIBLE TO APPLY. SO, I'D LIKE SOME DIRECTION
4 FROM YOU ALL IN TERMS OF HOW YOU'D LIKE US TO HANDLE THE
5 ONES THAT ARE ALREADY IN, OR ANY FUTURE ONES.

6 CHAIRMAN EATON: SENATOR ROBERTI.

7 MEMBER ROBERTI: MY OWN THOUGHT ON THE MATTER IS,
8 AT THIS JUNCTURE, YOU KNOW, ABSENT AN ENORMOUS CASE OF
9 HARDSHIP, I WOULDN'T VOTE FOR ANY REDUCTION.

10 HOWEVER, AT SOME POINT LATER IN THE YEAR,
11 WHEN WE'VE COLLECTED ENOUGH TO MAKE A GENERAL POLICY, IF WE
12 WANT TO MAKE A GENERAL POLICY, THEN WE LOOK AT THEM ALL AT
13 THE SAME TIME AND MAKE A VERY -- AND MAYBE MAKE A VERY
14 NARROW POLICY THAT MIGHT ENCOMPASS SOME, AND IT MIGHT NOT
15 ENCOMPASS OTHERS.

16 BUT SEE, IN MY LITTLE BRIEFING PAPER HERE,
17 I'M PRESENTED WITH THE 36 -- WELL, HOW MANY -- 20 OF THESE
18 HAVE BEEN APPROVED. SINCE I'M NEW I DON'T KNOW HOW MANY --
19 WHAT THE REASONS FOR THE APPROVAL, OR WHAT THEY WEREN'T --
20 WHETHER IT WAS JUST STANDARD POLICY TO APPROVE OR NOT.

21 AND IF WE'RE GOING TO BE APPROVING THESE,
22 THEN I WANTED TO BE, FOR MY OWN PERSPECTIVE -- AND WITHIN
23 VERY NARROW PARAMETERS IN WHICH WE'RE LOOKING AT ALL OF THEM
24 TOGETHER AT THE SAME TIME, AND NOT ON A ONE-BY-ONE BASIS.

25 I DON'T KNOW IF I MADE MYSELF CLEAR.

26 CHAIRMAN EATON: SURE.

27 MS. FRIEDMAN: PERHAPS WHAT WOULD BE HELPFUL,
28 THEN, FOR STAFF IS TO AT SOME FUTURE POINT COME BACK WITH
29 KIND OF THE HISTORICAL OVERVIEW OF THE POLICY THAT HAS BEEN
30 DEVELOPED IN THE PAST, AND HOW THOSE 20 AND SO HAVE BEEN
31 DONE. AND THEN YOU COULD ALL, YOU KNOW, DISCUSS THAT AND
32 PROVIDE US GUIDANCE FOR FUTURE.

33 WOULD THAT BE HELPFUL?

34 MEMBER ROBERTI: IT WOULD BE VERY HELPFUL TO ME,
35 VERY.

36 MS. FRIEDMAN: OKAY.

37 CHAIRMAN EATON: I THINK OVERALL IT WOULD BE
38 HELPFUL. ESPECIALLY, IT NEVER HURTS TO KIND OF REVISIT AND
39 REFRESH ONE'S RECOLLECTION AS OPPOSED TO ANYTHING -- AND
40 INCLUDING MYSELF.

41 PERHAPS MAYBE ALSO WHAT WE SHOULD DO WITH
42 REGARD TO THIS PARTICULAR CITY, SINCE THERE WERE INDIVIDUALS
43 HERE, IS THAT MAYBE WE CAN CORRESPOND WITH THEM AND LET THEM
44 KNOW THAT -- ONE, THAT THEIR APPLICATION WAS NOT APPROVED,
45 BUT IT'S WITHOUT PREJUDICE, PENDING THE BOARD'S FURTHER
46 REVIEW OF BOTH POLICY AND PROCEDURE AS IT RELATES TO THESE
47 MATTERS. AND I THINK THAT MAY BE A BETTER WAY TO GO.

48 MEMBER ROBERTI: I'M WITH YOU. I AGREE.

49 MS. FRIEDMAN: THANK YOU, EXCELLENT CLARITY.

1 CHAIRMAN EATON: DOES THAT HELP?

2 MS. FRIEDMAN: EXCELLENT.

3 CHAIRMAN EATON: GREAT.

4 AGENDA ITEM NO. 26: CONSIDERATION OF FUTURE STATE AGENCY
5 BUY RECYCLED CAMPAIGN (SABRC) ACTIVITIES AND PRESENTATION OF
6 FISCAL YEAR 1997/1998 REPORTING FIGURES

7 CHAIRMAN EATON: ALL RIGHTY, ITEM NUMBER -- OH,
8 EXCUSE ME, WE'RE AT 26. AS A POINT OF REFERENCE, WE HAD
9 MOVED TO THE LAST CATEGORY OF ITEMS.

10 MR. ORR, HOW ARE YOU?

11 MR. ORR: GOOD AFTERNOON, MR. CHAIRMAN AND BOARD
12 MEMBERS. I'M GOING TO BE INTRODUCING THE NEXT SEVERAL
13 ITEMS.

14 THE FIRST ONE -- OKAY, BILL ORR, WASTE
15 PREVENTION MARKET DEVELOPMENT DIVISION.

16 THE FIRST ITEM WILL BE PRESENTED BY JERRY
17 HART, AND HE IS GOING TO BE PRESENTING THE RESULTS OF THE
18 FISCAL YEAR 1997-98 STATE AGENCY BUY RECYCLED CAMPAIGN
19 REPORTS. AND HE WILL ALSO BE PRESENTING RECOMMENDATIONS FOR
20 IMPROVING THE EFFECTIVENESS OF THE PROGRAMS. SO, WITH THAT,
21 I'LL TURN IT OVER TO JERRY HART.

22 MR. HART: CHAIRMAN EATON, BOARD MEMBERS, MY NAME
23 IS JERRY HART, AND I WORK IN THE WASTE PREVENTION MARKET
24 DEVELOPMENT DIVISION. I'VE BEEN WORKING WITH THE STATE
25 AGENCY BUY RECYCLED CAMPAIGN SINCE APPROXIMATELY 1993.

26 THE ITEM BEFORE YOU TODAY IS A PRESENTATION
27 OF THE FISCAL YEAR '97-98 RESULTS FROM THE STATE AGENCY'S
28 REPORTING THEIR RECYCLED PRODUCT PURCHASES, AND TO PRESENT
29 SOME OPTIONS FOR CONSIDERATION BY THE BOARD FOR STAFF TO
30 TAKE -- TO, HOPEFULLY, IMPROVE REPORTING AND PURCHASING OF
31 RECYCLED CONTENT PRODUCTS STATEWIDE.

32 THE STATUTORY REQUIREMENTS FOR AGENCIES TO
33 PURCHASE RECYCLED CONTENT PRODUCTS HAS BEEN ON THE BOOKS FOR
34 10 YEARS, SINCE 1989, WITH ASSEMBLY BILL 4. AND THE BOARD'S
35 INVOLVEMENT HAS BEEN APPROXIMATELY FIVE YEARS, SINCE 1993.
36 AT THAT TIME THE BOARD TOOK A LEADERSHIP ROLE IN DRAFTING
37 THE PROCEDURES FOR STATE AGENCIES TO TRACK THEIR PURCHASES
38 AND REPORT THOSE PURCHASES, AND IMPLEMENTED THE STEPS AND
39 INFRASTRUCTURE FOR THE PROGRAM TO BE IMPLEMENTED STATEWIDE.

40 SINCE THE BOARD'S INVOLVEMENT WE'VE HAD
41 REPORTING FOR THE PAST FOUR FISCAL YEARS, BEGINNING WITH
42 '93-94. AND JUST THIS PAST SEPTEMBER WE HAD THE REPORTS DUE
43 FOR THE '97-98 FISCAL YEAR.

44 ATTACHMENT 1 OF THE BOARD ITEM IS THE RESULTS
45 OF THE FISCAL YEAR '97-98 REPORTS. THE MOST PROMINENT
46 FEATURE ON THE REPORTS ARE THE TOTALS DOWN AT THE BOTTOM FOR
47 THE 11 PRODUCT CATEGORIES IDENTIFIED IN THE STATUTE THAT
48 AGENCIES THAT ARE -- TRACK AND REPORT THEIR PURCHASES
49 WITHIN. WE HAD A TOTAL OF \$44 MILLION REPORTED STATEWIDE.

1 AND OF THE PURCHASES IN THOSE 11 PRODUCT CATEGORIES,
2 \$24,500,000, THEREABOUTS, WERE RECYCLED CONTENT PRODUCTS.
3 THIS IS A REDUCTION IN BOTH FIGURES, ALL PRODUCT PURCHASES
4 REPORTED AND RECYCLED PRODUCT PURCHASES REPORTED FROM THE
5 PREVIOUS FISCAL YEAR.

6 THAT NEXT SLIDE IS ATTACHMENT 2 IN THE
7 PACKET, WHICH COMPARES THE PREVIOUS FISCAL YEAR REPORTING
8 PERIODS. AGAIN, WHAT WE SEE HERE MOST NOTABLY IS THE
9 INCREASE OF THE LAST FISCAL YEAR, '96-97, TO APPROXIMATELY
10 \$29.1 MILLION IN RECYCLED PRODUCT PURCHASES, AND THE DROP OF
11 ABOUT 15 PERCENT OR SO TO THIS PREVIOUS '97-98 FISCAL YEAR
12 RECORDING, TO 24-FIVE.

13 PROBABLY THE MOST PROMINENT REASON FOR THAT
14 DROP IS A CHANGE IN THE REPORTING PROCEDURES, WHEREBY, IN
15 PREVIOUS REPORTING PERIODS DGS REPORTED FOR THE AGENCIES FOR
16 PURCHASES MADE OFF STATEWIDE CONTRACTS, STATE STORES, STATE
17 PRICE SCHEDULES. THE CENTRALIZED PROCUREMENT SOURCES.

18 THE CHANGE IN REPORTING PROCEDURES WAS TO BE
19 CONSISTENT WITH THE STATUTORY REQUIREMENTS THAT AGENCIES
20 REPORT FOR ALL THEIR PURCHASES. SO TURNING THAT REPORTING
21 RESPONSIBILITY OVER TO THE AGENCIES FOR THOSE PURCHASES OF
22 CENTRALIZED PROCUREMENT SOURCES RESULTED IN A DIP IN THE
23 TRACKING AND, THEREFORE, A DIP IN THE REPORTING.

24 IN ALL, I WOULD SAY -- WELL, WE KNOW, STAFF
25 KNOWS THAT THERE IS A SIGNIFICANT AMOUNT OF RECYCLED PRODUCT
26 PURCHASES GOING ON THAT AREN'T BEING TRACKED. THERE IS NO
27 CONSISTENT TRACKING MECHANISM USED STATEWIDE AMONG THE
28 AGENCIES. THERE ARE AGENCIES THAT ARE DOING NO REPORTING,
29 NO TRACKING. THERE ARE MANY OTHERS WHO REALLY AREN'T DOING
30 A VERY GOOD JOB. SO, WE KNOW THAT THERE'S A LOT BEING DONE,
31 THERE'S A LOT OF PURCHASES OF RECYCLED PRODUCTS GOING ON
32 AMONG THE STATE AGENCIES, STATEWIDE, IN ALL THE PRODUCT
33 CATEGORIES THAT JUST AREN'T BEING TRACKED.

34 IN ADDITION, WE CAN SEE ERRORS IN THE FIGURES
35 THAT ARE BEING SUBMITTED TO US. AND JUST THIS PAST FISCAL
36 YEAR ALONE, THAT ACCOUNTED TO SOME \$5 MILLION THAT SHOULD
37 HAVE BEEN, IF PROPERLY REPORTED, IN THE RECYCLED PRODUCT
38 CATEGORIES THAT WEREN'T. SO, WE KNOW THAT THERE'S MORE
39 GOING ON THAN IS BEING REPORTED.

40 UNFORTUNATELY, WE DON'T FEEL THAT EVEN WITH
41 THOSE OTHER PURCHASES BEING MADE THAT AREN'T BEING REPORTED,
42 WE'RE STILL WHERE WE OUGHT TO BE.

43 ATTACHMENT 3 IN THE ITEM PACKET IS GOING TO
44 BE THE NEXT SLIDE WE TALK ABOUT.

45 CHAIRMAN EATON: WHILE WE'RE WAITING, DO YOU KNOW
46 IF THE GENERAL PURCHASING IN THE STATE WENT UP DURING THAT
47 SAME TIME?

48 MR. HART: GENERAL PURCHASING --

49 CHAIRMAN EATON: FOR INSTANCE, IF THE DROP WAS

1 ATTRIBUTABLE TO A REPORTING, IF IN THE YEAR -- OF ONE YEAR
2 WE PURCHASED, LET'S SAY, A MILLION DOLLAR'S WORTH OF GOODS,
3 THAT NEXT YEAR WE PURCHASED 1.5 AS A WHOLE NUMBER.

4 MR. HART: ARE YOU TALKING ABOUT THE -- ALL
5 PURCHASES --

6 (THE PARTIES SIMULTANEOUSLY SPEAK.)

7 CHAIRMAN EATON: -- ALL PURCHASES.

8 MR. HART: ALL PURCHASES. NO, THEY DROPPED AS
9 WELL. THEY WERE, I BELIEVE, 60-SOMETHING LAST YEAR.

10 CHAIRMAN EATON: SO IS THE CORRELATION THE SAME
11 THEN?

12 MR. HART: YEAH.

13 CHAIRMAN EATON: OKAY.

14 MR. HART: YEAH. YES.

15 CHAIRMAN EATON: THANK YOU. GO AHEAD.

16 MR. HART: AGAIN, ATTACHMENT 3 SHOWS STAFF'S
17 ESTIMATE IN THE LARGE CONES. THE LARGE CONES REPRESENT
18 STAFF'S ESTIMATE FOR WHAT WE BELIEVE OUGHT TO BE SHOWING UP
19 ON THE AGENCIES' REPORTS. THIS IS A STAFF ESTIMATE BASED ON
20 A FIGURE WE RECEIVED FROM GENERAL SERVICES, AND THEN
21 EXTRAPOLATED THE BEST WE COULD, BUT STILL FAIRLY LOOSELY.
22 THE IDEA IS TO DEVELOP A BASELINE THAT WE CAN JUDGE WHAT'S
23 BEING REPORTED TO US ON THE REPORTS, VERSUS A LITTLE BETTER
24 IDEA OF WHAT TO EXPECT.

25 THE SMALL CONES, IN YELLOW, ARE WHAT'S COMING
26 TO US, AGAIN, IN RECYCLED PRODUCT PURCHASES SHOWN ON THE
27 STATE AGENCY REPORTS.

28 AGAIN, WE FEEL THAT SOME IMPROVEMENTS IN THE
29 TRACKING MECHANISMS WOULD HELP THIS, SOME FURTHER ASSISTANCE
30 WITH REPORTING WITH THE AGENCIES WOULD IMPROVE THE SIZE OF
31 THE CONES. BUT, OVERALL -- AND THIS IS REFLECTED IN OUR
32 STAFF RECOMMENDATIONS -- WE NEED PRIMARILY ASSISTANCE FROM
33 THE TOP DOWN.

34 WE NEED SOME HIGH-LEVEL SUPPORT FOR THIS
35 CAMPAIGN, BECAUSE IT IS A STATEWIDE PROGRAM. A LOT OF THE
36 DETERMINATIONS MADE BY AGENCIES ON WHICH PRODUCTS TO BUY --
37 ESPECIALLY WHEN IT COMES TIME TO CHANGE SOME PURCHASING
38 HABITS -- NEED TO BE FROM THE TOP DOWN. AND THOSE ARE THE
39 PRIMARY AREAS OF OUR RECOMMENDATIONS IN THE FIRST GROUP, IF
40 YOU WILL, OF CATEGORIES OF RECOMMENDATIONS.

41 WE ALSO FEEL THAT SOME ADDRESSING, THAT
42 PROBABLY WILL HAVE TO COME IN STATUTORY REVISIONS, OF SOME
43 ENFORCEMENT PROVISIONS, SOME CONSEQUENCES FOR AGENCIES THAT
44 EITHER DON'T REPORT, OR REALLY REPORT LOW FIGURES. UP TO
45 NOW THE -- THERE'S NO STIPULATION FOR THAT IN THE STATUTE.

46 AND THEN, FINALLY, JUST SIMPLY MORE RECYCLED
47 CONTENT PRODUCTS AVAILABLE, PRIMARILY THROUGH CENTRALIZED
48 PROCUREMENT SOURCES, THROUGH DGS SOURCES. BUT, ALSO,
49 IMPROVED AVAILABILITY AND AWARENESS OF RECYCLED PRODUCTS.

1 BECAUSE A SIGNIFICANT AMOUNT OF PURCHASING OCCURS BY THE
2 AGENCIES USING THEIR DELEGATED AUTHORITY.

3 WHEN WE DRAFTED THIS ITEM, AND SUBMITTED IT
4 TO THE BOARD, TO THE PROCESS, WE HAD DISCUSSIONS WITH
5 DEPARTMENT OF GENERAL SERVICES TO GET THEIR INPUT ON OUR
6 RECOMMENDATIONS AND TO SEE HOW THEY FELT ABOUT OUR FIGURES,
7 AND OUR SUGGESTED STEPS IN THE ITEM.

8 AS A CONSEQUENCE OF NUMEROUS MEETINGS WE'VE
9 HAD WITH THEM, DGS RESPONDED YESTERDAY IN WRITING WITH A
10 MEMO THAT I BELIEVE YOU ALL HAVE IN FRONT OF YOU. THE
11 PRIMARY PURPOSE OF THAT MEMO WAS TO, I GUESS, SERVE AS AN
12 OPPORTUNITY FOR DGS TO PRESENT THEIR OWN PICTURE OF OUR
13 STAFF ESTIMATES OF WHAT WE THOUGHT WE SHOULD BE SEEING.

14 THE FIGURES THAT DGS PRESENTED ARE
15 SIGNIFICANTLY LOWER. IN OTHER WORDS, THEIR EXPECTATIONS OF
16 WHAT WE SHOULD BE SEEING ON THE STATE AGENCY REPORTS IS
17 SIGNIFICANTLY LOWER, ON THE MAGNITUDE OF TWOFOLD LOWER.

18 SO, WHEREAS, WE WOULD BE EXPECTING SOMEWHERE
19 THE MAGNITUDE OF \$500 MILLION OF RECYCLED PRODUCT PURCHASES
20 TO BE PURCHASED STATEWIDE, IN ORDER TO BE IN COMPLIANCE WITH
21 A 50-PERCENT RECYCLED PRODUCT PROCUREMENT MANDATE, THEIR
22 FIGURE WAS MORE ON THE LINES OF \$30 MILLION OF RECYCLED
23 CONTENT PRODUCTS PURCHASED TO BE IN COMPLIANCE WITH THE 50-
24 PERCENT MANDATE.

25 THE ONE CAVEAT TO THAT -- AND IT'S A
26 SIGNIFICANT ONE -- THEY, DGS, EXCLUDED, OR TOOK OUT STEEL
27 PURCHASES FROM THEIR FIGURE. BECAUSE I THINK IF THEY HAD
28 THEIR WAY, WITH THEIR PROGRAM, THEY WOULD ELIMINATE THE
29 STEEL CATEGORY. THE MAJORITY OF STEEL PURCHASES ARE
30 AUTOMOBILES -- TRUCKS, BUSES, VEHICLES, THEY WOULD BE
31 REPORTED AS STEEL. VIRTUALLY ALL STEEL, REGARDLESS OF WHAT
32 TYPE OF PRODUCTS IT ENDS UP IN, IS RECYCLED CONTENT STEEL.
33 SO, WE'RE REALLY NOT GETTING ANY BENEFIT, EXCEPTING THAT
34 WE'VE INCREASED THE NUMBERS ON OUR REPORTS FOR HAVING A
35 STEEL CATEGORY.

36 SO THEIR FIGURES, IF YOU INCLUDED STEEL,
37 BROUGHT US UP TO ABOUT \$190 MILLION, I BELIEVE, IN ORDER --
38 THAT WOULD FALL WITHIN THE CATEGORY. SO WE'RE STILL, YOU
39 KNOW, IN ORDER OF MAGNITUDE, OFF IN OUR ESTIMATES.

40 THE BRIEF TIME WE'VE HAD TO TAKE A LOOK AT
41 DGS' NUMBERS, BASICALLY FROM YESTERDAY AFTERNOON TO THIS
42 MORNING, THERE ARE SOME REAL, I THINK, OBVIOUS PLACES -- OR,
43 ASSUMPTIONS YOU CAN MAKE ABOUT THEIR FIGURES.

44 PRIMARILY BECAUSE, I THINK, DGS HAS A REAL
45 NARROW VIEW OF THINGS. BASICALLY, THEY'RE LOOKING AT
46 CENTRALIZED PROCUREMENT SOURCES, AND WE, BY VIRTUE OF
47 IMPLEMENTING THE PROGRAM AND RECEIVING THEIR REPORTS, ARE
48 SEEING A BROADER WORLD OF THINGS. THAT BEING CENTRALIZED
49 PROCUREMENT SOURCES ON THE ONE HAND, AND THE DELEGATION THAT

1 GOES ON, ON THE OTHER HAND.

2 SO, THERE -- AGAIN, ONCE YOU EXTRAPOLATE
3 THEIR FIGURES, AND COME DOWN TO APPROXIMATELY \$30 MILLION OF
4 RECYCLED PRODUCT PURCHASING, NEEDED TO BE DONE IN ORDER TO
5 COMPLY WITH THE 50-PERCENT MANDATE, WOULD VIRTUALLY PUT US
6 IN COMPLIANCE RIGHT NOW. YOU KNOW, WE'RE GETTING 24-FIVE AT
7 A 30-PERCENT MANDATE. SO, WE WOULD BE -- OF THE REPORTED --
8 RIGHT? -- OF THE REPORTED 44/30 (PHONETIC PHRASE) PERCENT
9 WE'D BE IN COMPLIANCE RIGHT NOW. WE WOULD HAVE EXCEEDED
10 LAST YEAR'S, AND THE REASON -- ONE OF THE REASONS, ONE OF
11 SEVERAL REASONS WHY THAT'S KIND OF HARD TO BELIEVE, IS THAT
12 WE HAVE, ARGUABLY, THE FOUR LARGEST INSTITUTIONS IN THE
13 STATE REPORTING VIRTUALLY NO FIGURES AT ALL. CORRECTIONS
14 HAS NEVER REPORTED, WE DON'T GET ANYTHING FROM CORRECTIONS.

15 WE GET A REPORT FROM CALTRANS, BUT IT
16 REPRESENTS LESS DOLLARS -- BOTH IN ALL PURCHASES AND
17 RECYCLED PURCHASES -- THAN THE BOARD'S REPORT. SO, YOU
18 KNOW, NATURALLY I THINK ANYBODY LOGICALLY WOULD EXPECT A
19 PRETTY HEFTY REPORT FROM CALTRANS. WE'RE NOT GETTING IT.

20 HEALTH SERVICES GIVES US, I BELIEVE, ON THE
21 ORDER OF \$800,000. IN ALL PURCHASES, NONE OF THEM ARE
22 RECYCLED, THEY REPORT NO RECYCLED PURCHASES EVER.

23 SO, LET ME GO TO MY LIST. FISH AND GAME.
24 AGAIN, 581,000 IN ALL PURCHASES, 413 NOT BAD FOR A
25 PERCENTAGE. BUT, AGAIN, FOR A BUDGET OF \$206 MILLION --
26 AGAIN, ONE MIGHT EXPECT MORE.

27 DMV, THEY REPORT A MILLION DOLLARS IN
28 PURCHASES, 827 IN RECYCLED. AGAIN, NOT BAD ON THE
29 PERCENTAGE-WISE, BUT THEY'VE GOT A BUDGET OF 596 MILLION
30 BUCKS, AND THEY'RE REGISTERING EVERY VEHICLE, EVERY BOAT,
31 EVERY MOTORCYCLE IN THIS STATE.

32 CHAIRMAN EATON: HOW MUCH WAS THEIR PURCHASES?

33 MR. HART: THEY REPORTED 1.1 MILLION; 827,000 IN
34 RECYCLED; A \$596 MILLION BUDGET.

35 MEMBER ROBERTI: AND HOW MUCH IN RECYCLING,
36 800,000?

37 MR. HART: EIGHT HUNDRED AND TWENTY-SEVEN
38 THOUSAND.

39 MEMBER ROBERTI: THAT'S A REAL EFFORT.

40 MEMBER JONES: MY INDUSTRY'S FEELING BETTER.

41 MR. HART: WELL, IT MAKES US LOOK PRETTY GOOD, AS
42 WELL. SO, AGAIN --

43 CHAIRMAN EATON: HOW ARE WE DOING --

44 (THE PARTIES SIMULTANEOUSLY SPEAK.)

45 MR. HART: -- THAT'S A SUBJECT OF ANOTHER ITEM ALL
46 TOGETHER.

47 WE'RE DOING REAL WELL. OUR PAPER PRODUCTS --
48 OUR FINE PRINTING AND WRITING HAS ALWAYS BEEN RECYCLED, WE
49 HAVEN'T RELIED ON DGS; WE'VE GONE OUTSIDE AND BOUGHT 30

1 PERCENT POST-CONSUMER PAPER, THE RECYCLED CONTENT PAPER YEAR
2 IN AND YEAR OUT. OUR PAPER PRODUCTS ARE UPWARDS OF 80-90
3 PERCENT RECYCLED. PLASTIC PRODUCTS, I BELIEVE WE'RE, IF
4 NOT, VERY CLOSE TO 100 PERCENT RECYCLED. SO, WE'RE DOING
5 VERY, VERY WELL.

6 SO, YOU KNOW, AGAIN, WE RAN THROUGH -- JUST
7 FOR KICKS, WE RAN THROUGH AN EQUATION HERE -- TAKING ONE
8 PRODUCT FROM ONE INSTITUTION -- IF THE DEPARTMENT OF
9 CORRECTIONS BOUGHT RECYCLED CONTENT TOILET PAPER, THEY'VE
10 GOT 150,000 INMATES, AND IF YOU RUN OUT SOME REASONABLE
11 ESTIMATES, THAT WOULD BE \$2 MILLION, THAT WOULD BE 10
12 PERCENT OF THE RECYCLED PRODUCT PURCHASES THAT CURRENTLY IS
13 BEING REPORTED. ONE PRODUCT, ONE AGENCY.

14 SO, CLEARLY IT'S REALLY DIFFICULT TO BUY THE
15 FACT THAT AGENCIES -- THAT DEPARTMENT OF GENERAL SERVICES
16 FIGURES WOULD PUT US IN COMPLIANCE STATEWIDE AT \$30 MILLION
17 OF RECYCLED CONTENT PRODUCTS. SIMPLY, IN LIGHT OF THE FACT
18 THAT WE'RE NOT GETTING ANY FIGURES FROM SOME OF THE LARGEST
19 INSTITUTIONS IN THE SYSTEM, AND WE'RE STILL JUST ABOUT
20 THERE.

21 WITH THAT IN MIND, WE DON'T FEEL THAT -- WE
22 FEEL -- AGAIN, STAFF REALLY ADMIT THAT OUR FIGURES WERE AN
23 ESTIMATE. OKAY? AND WE'RE UP HERE, AND DGS IS DOWN HERE.
24 SO, AGAIN, I THINK LOGICALLY ANYBODY COULD PROBABLY COME TO
25 THE OPINION THAT REALITY IS SOMEWHERE IN THE MIDDLE. WE
26 DON'T THINK -- REGARDLESS OF WHERE THE FIGURES FALL IN
27 BETWEEN SOMEWHERE -- THAT IT CHANGES OUR RECOMMENDED ACTIONS
28 AT ALL.

29 AS A MATTER OF FACT, IN THE DGS MEMO, PAGE
30 THREE, STARTING, ACTUALLY, AT THE BOTTOM OF PAGE TWO, THEY
31 HAVE SOME RECOMMENDED ACTIONS, AND THEY'RE VERY, VERY
32 SIMILAR -- IF ALL OF THEM AREN'T IN OUR PAGES OF STAFF
33 PROPOSALS, THEN THEY ARE VERY, VERY SIMILAR.

34 SO, DESPITE THE FACT THAT DGS' THEORY WOULD
35 PUT US VIRTUALLY IN COMPLIANCE, THEY AGREE THAT WORK NEEDS
36 TO BE DONE. AND THE WORK THAT THEY PROPOSE IS RIGHT IN LINE
37 WITH THE WORK THAT WE'RE PROPOSING..

38 SO, STAFF'S RECOMMENDATION IN THIS ITEM IS TO
39 PURSUE SOME ACTIVITIES THAT WE HAVE LISTED IN FIVE OR SO
40 GENERAL CATEGORIES OF ACTIONS. BEGINNING ON PAGE FIVE OF
41 THE ITEM, THE FIRST GENERAL CATEGORY IS INCREASING UPPER
42 MANAGEMENT SUPPORT. AS WE STATED EARLIER, WE FEEL THAT THIS
43 IS THE PRIMARY NEED FOR THE PROGRAM.

44 OKAY. FOR INSTANCE --

45 CHAIRMAN EATON: I THINK YOUR TIME'S UP.

46 MR. HART: YEAH, I -- YOU KNOW, I WAS WAITING FOR
47 THE TRAP DOOR TO OPEN UP, GIVE ME THE HEADS UP --

48 CHAIRMAN EATON: SO IT VERY WELL COULD BE --

49 MR. HART: I KNOW, I KNOW. YOU KNOW, FOR

1 INSTANCE, A GOVERNOR'S OFFICE OVERSIGHT, SOME HIGH-LEVEL
 2 DEPARTMENT HEAD KIND OF A COMMITTEE, SUBMITTING THE ANNUAL
 3 REPORT TO THE LEGISLATURE OURSELVES. THIS IS A DGS
 4 REQUIREMENT, IT NEVER GETS DONE. SOMEHOW, INCREASING THE
 5 OVERSIGHT AND THE ACTIVITY THAT WE GET FROM UPPER LEVELS OF
 6 GOVERNMENT --

7 CHAIRMAN EATON: SENATOR ROBERTI.

8 MEMBER ROBERTI: WHAT'S THE DGS REQUIREMENT? THAT
 9 THEY...?

10 MR. HART: THAT THEY SUBMIT THE -- A SUMMARY OF
 11 THE ANNUAL REPORTS TO THE LEGISLATURE.

12 MEMBER ROBERTI: AND THEY DON'T DO THIS?

13 MR. HART: NEVER BEEN DONE.

14 MEMBER ROBERTI: AND WHEN DO THEY HAVE TO SUBMIT
 15 THIS?

16 MR. HART: THERE'S NOT A DEADLINE. IN FACT --

17 MEMBER JONES: SO THEY'RE NOT LATE.

18 (THE PARTIES SIMULTANEOUSLY SPEAK.)

19 MEMBER ROBERTI: BUT YOU SAY IT'S AN ANNUAL REPORT
 20 --

21 MR. HART: IT'S AN ANNUAL REPORT WITH --

22 MEMBER ROBERTI: BUT THERE'S NO DEADLINE. SO
 23 WE'RE WORKING ON 1990 RIGHT NOW --

24 (THE PARTIES SIMULTANEOUSLY SPEAK.)

25 CHAIRMAN EATON: ARE WE TALKING BASE-YEAR OR ARE
 26 WE TALKING PROCUREMENT...?

27 MR. HART: THE SECOND CATEGORY OF SUGGESTED
 28 ACTIVITIES ARE INCREASING ENFORCEMENT AND OVERSIGHT, SUCH AS
 29 BUDGET APPROVAL. HAVING WHAT AGENCIES ARE DOING OR ARE NOT
 30 DOING, IN TERMS OF ATTAINING THE COMPLIANCE WITH THESE
 31 MANDATES MIGHT BE THE SUBJECT OF SOME OF THE QUESTIONS THAT
 32 HAVE COME UP IN THE AGENCY BUDGET APPROVAL PROCESS.

33 SOME CONTRACT APPROVAL ISSUES, WHEREBY WE'D
 34 BE LOOKING FOR THE RECYCLED CONTENT PREFERENCE LANGUAGE,
 35 WE'D BE LOOKING FOR THE RECYCLED CONTENT CERTIFICATION FORM
 36 IN THE BID PACKAGES.

37 THE THIRD GENERAL CATEGORY OF ACTIVITIES ARE
 38 INCREASING RECYCLED CONTENT PRODUCT AVAILABILITY. NUMBER
 39 ONE, STATEWIDE CONTRACTS. STATE PRICE SCHEDULE, THE
 40 CONTRACT THAT DGS HAS WITH OSP DOES NOT REALLY DO MUCH FOR
 41 RECYCLED CONTENT PRODUCTS, WE NEED TO WORK ON THAT ISSUE.
 42 MAKING SOME CONTRACTS RECYCLED ONLY'S. THOSE KINDS OF
 43 THINGS I THINK WOULD -- YOU KNOW, GET AGENCIES TO THE TROUGH
 44 QUITE A BIT MORE.

45 THE FOURTH CATEGORY'S LEGISLATION. WE
 46 CERTAINLY HAVE SOME OPPORTUNITIES FOR DOING SOME CLEANUP.
 47 DEPENDING ON WHAT THE BOARD'S DECISION IS HERE TODAY, SOME
 48 OF THOSE ACTIVITIES MAY TAKE LEGISLATION TO IMPLEMENT.

49 THE FINAL CATEGORIES ARE ADMINISTRATIVE

1 STEPS, THINGS THAT WE CAN DO INTERNALLY, RIGHT AWAY THROUGH,
2 FOR INSTANCE, THE DGS TASK FORCE, OR THE STATE CONTRACTING
3 MANUAL, THAT SORT OF THING.

4 SO WE HAVE AN ITEM THAT'S FOLLOWING THIS ONE
5 THAT WILL ADDRESS THE REVISION OF THE BOARD'S IN-HOUSE WASTE
6 PREVENTION POLICY. AND WITHIN THAT POLICY WE WILL BE
7 (INAUDIBLE) THE RECYCLED PRODUCT PROCUREMENT (INAUDIBLE).
8 SO, THAT'S CERTAINLY AN AREA THAT WE'RE LOOKING FOR IN-
9 HOUSE. THE OPPORTUNITY TO TURN PARTS OF THAT INTO A MODEL
10 PROCUREMENT POLICY THAT, THEN AGAIN, WE CAN DISTRIBUTE TO
11 THE AGENCIES, AND HOPEFULLY THAT WILL, YOU KNOW, MAKE SOME
12 PROGRESS.

13 BUT BASICALLY HERE TODAY WE'RE ASKING FOR YOU
14 TO CONSIDER THE LIST OF STAFF RECOMMENDATIONS FROM THE
15 RATHER BROAD LIST, AND HOPEFULLY WE CAN BEGIN TO TAKE SOME
16 STEPS TO MAKE OUR CONES GET BIGGER.

17 CHAIRMAN EATON: ANY QUESTIONS, COMMENTS? MR.
18 JONES.

19 MEMBER JONES: MR. CHAIRMAN, FIRST, I THINK THIS
20 IS A GOOD REPORT, VERY INSIGHTFUL. I HAVE A HARD TIME WITH
21 SOME OF THE NUMBERS THAT WERE BROUGHT UP FROM THOSE FOLKS.

22 BUT, I DO THINK THAT THE -- THIS IS AN
23 OPPORTUNITY FOR US -- THIS IS CRITICAL. I MEAN, YOU KNOW,
24 GETTING STATE AGENCIES TO BY RECYCLED CONTENT IS ABSOLUTELY
25 CRITICAL, IF FOR NO OTHER REASON THAT IT SENDS OUT A
26 MESSAGE.

27 BUT, \$30 MILLION -- PUT THAT INTO
28 PERSPECTIVE. TERRAMINA'S (PHONETIC) MRF COST \$30 MILLION,
29 ONE FACILITY IN THE STATE TO RECOVER. OKAY? THAT'S A
30 PRETTY SAD COMMENTARY ON, YOU KNOW, WHAT WE'RE DOING AS FAR
31 AS PURCHASES.

32 WHAT I'D LIKE TO SUGGEST IS, I THINK THAT
33 WHEN -- WHEN THIS BOARD, LED BY YOU, MR. EATON, GOT INVOLVED
34 IN THE CAL EPA BUILDING AND THE EAST-END PROJECT, TO MAKE
35 SURE THAT PEOPLE UNDERSTOOD THE NEED FOR GREEN PROCUREMENT,
36 FOR GREENING UP THOSE BUILDINGS, FOR UTILIZING THAT ASSET OF
37 A MATERIAL THAT COULD BE PUT BACK IN, IS -- WAS ABSOLUTELY -
38 - IT HAD TO BE DONE RIGHT AWAY, IT HAD TO BE DONE AS
39 AGGRESSIVELY AS POSSIBLE TO MAKE SURE -- BECAUSE OF THE
40 TIMING ISSUES.

41 BUT IT WOULD SEEM TO ME THAT THIS WOULD BE AN
42 OPPORTUNITY, BECAUSE IT'S SO CRITICAL TO MARKET DEVELOPMENT
43 IN THIS STATE, THAT MAYBE YOU -- AND HOWEVER ELSE YOU WANT
44 TO DO IT -- MEET WITH THE SECRETARY, AND DGS, AND SOMEBODY
45 FROM THE GOVERNOR'S OFFICE, TO SEE IF WE COULD PUT TOGETHER
46 A GROUP THAT WILL -- AND MAKE THEM UNDERSTAND JUST HOW
47 CRITICAL THIS IS.

48 AND WORK ON A WORK PLAN AS TO WHAT THE NEXT
49 STEPS NEED TO BE, AND WHAT OUR INVOLVEMENT SHOULD BE AS

1 OPPOSED TO, IN A NEW ADMINISTRATION, THIS BOARD SAYING WE
2 WILL WORK WITH THE GOVERNOR'S OFFICE, WE WILL DO THIS AND WE
3 WILL DO THAT. I THINK WE'RE GOING TO GET -- I THINK WE CAN
4 GET AN AWFUL LOT DONE. AND IF WE DON'T GET IT DONE, THEN
5 BRING THE ISSUE BACK.

6 BUT I -- IT SEEMED TO ME, THIS -- AS CRITICAL
7 AS THIS IS, IS THAT WE NEED TO REALLY WORK COOPERATIVELY
8 WITH THE GOVERNOR'S OFFICE AND DGS, AND AT LEAST MAKE THEM
9 AWARE OF THIS. AND -- AND KEEP DOING, YOU KNOW, THE DGS
10 TASK FORCE AND THOSE TYPES OF THINGS. BUT I THINK THIS IS
11 ONE WHERE THE CHAIRMAN NEEDS TO BE INVOLVED WITH THE
12 SECRETARY AND THE GOVERNOR'S OFFICE TO SEE IF WE CAN -- AND
13 DGS -- AND GET THIS THING THE TYPE OF ATTENTION THAT IT
14 NEEDS.

15 CLEARLY, IF DGS CAN'T MAKE A REPORT IN THE
16 LAST NINE YEARS....

17 AND, YOU KNOW, IT'S AMAZING. AB 4 AND AB 11
18 ARE GOALS, THEY'RE NOT MANDATES. THEY ARE GOALS. AND THAT
19 MIGHT BE WHY WE ARE SO SUCCESSFUL IN AB 939, IT'S NOT A
20 GOAL, IT IS A MANDATE.

21 SO, I THINK THERE'S A REALLY OPPORTUNITY HERE
22 FOR THIS BOARD TO SHOW LEADERSHIP, AND TO OFFER VALUE TO THE
23 GOVERNOR AND TO THE PEOPLE OF CALIFORNIA. THAT WOULD BE MY
24 SUGGESTION, MR. CHAIRMAN.

25 CHAIRMAN EATON: ANY OTHER COMMENTS? OKAY.

26 WELL, I THINK FROM MY PERSPECTIVE I THINK,
27 ONE, I CAN SAY WITH SOME ASSURANCE THAT WE DID MEET WITH
28 SECRETARY ADAMS A LONG TIME AGO WITH REGARD TO THE GREEN
29 BUILDING ISSUES THAT HAVE ARISEN. DURING THE COURSE OF THAT
30 DISCUSSION THE IDEA OF GREEN PROCUREMENT POLICY DID ARISE,
31 AND SO SHE IS EXTREMELY OPEN. AS A MATTER OF FACT, RECENTLY
32 ANOTHER MEMO'S GONE OUT REMINDING PEOPLE OF THEIR
33 OBLIGATIONS. SO, I THINK YOUR COMMENT'S A VERY GOOD ONE.

34 IN ADDITION, WE'RE MEETING AGAIN, ON TUESDAY,
35 WITH REGARD TO THE GREEN BUILDING. SECRETARY ADAMS,
36 SECRETARY HICKHOCKS, SENATOR BOWEN (PHONETICS); TIM GAUGE
37 (PHONETIC), DIRECTOR OF FINANCE, WAS PRESENT AT THE LAST
38 MEETING -- THEY ARE ALL -- WILL BE GATHERING AGAIN WITH OUR
39 RECOMMENDATIONS FOR -- THAT WE'VE WORKED WITH GENERAL
40 SERVICES AS A MEMORANDUM OF UNDERSTANDING OF HOW WE WILL
41 PARTICIPATE, ALONG WITH DEPARTMENT OF ENERGY AND THE
42 RELEVANT ORGANIZATIONS TO DEAL WITH THE GREEN PRODUCT.

43 I THINK YOUR SUGGESTION IS A GOOD ONE.
44 PERHAPS MAYBE WHAT WE NEED TO DO IS -- IF WE COULD, IS --
45 AND I THINK IT'S ONE THAT REQUIRES -- AS YOU SAY, SINCE SHE
46 IS ALREADY OPEN -- PERHAPS A LETTER ADDRESSED TO -- AND I
47 DON'T HAVE ANY PROBLEM WITH ALL OF US SIGNING IT AT THE
48 APPROPRIATE TIME, AND I WILL BRING IT UP TO HER ON TUESDAY
49 THAT A LETTER'S FORTHCOMING. BUT I THINK IT'S -- THAT SHE

1 OUGHT TO BE AWARE OF THE FACT THAT SHE HAS A LEGISLATIVE
2 OBLIGATION THAT HAS NOT BEEN MET IN THE PAST. THAT SHOULD
3 BE ONE POINT.

4 AND IN ADDITION, TO JUST THE FACT THAT THERE
5 SEEMS TO BE A DISPUTE AMONGST THE NUMBERS. AND IT'S NOT OUR
6 INTENTION TO TRY AND DEBATE THIS IN A MANNER THAT'S GOING TO
7 BE EMBARRASSING TO ANYONE, BECAUSE IT'S THE END GOAL THAT
8 REALLY MATTERS -- AND I KNOW, JERRY, YOU FEEL THE SAME WAY -
9 - THAT PERHAPS WE CAN TALK ABOUT SOME OF THOSE THINGS AS
10 WELL. AND, TRY AND ARRANGE A TIME WHICH WE CAN MEET WITH
11 THE PRINCIPALS, AND SEE IF WE CAN'T START THAT PROCESS.

12 BECAUSE, SHE DID ASK FOR US -- OUR
13 RECOMMENDATIONS WITH REGARD TO JUST THE BIDDING PROCESS.
14 HOW CAN SHE IMPLEMENT A BIDDING PROCESS WHEN UP ON THE
15 COMPUTER COMES PRODUCTS THAT WE CAN PURCHASE THAT ONLY WOULD
16 BE WITH A CERTAIN AMOUNT OF RECYCLED CONTENT? AND, THAT
17 WOULD GO A LONG WAY -- BECAUSE SHE DOESN'T EVEN HAVE TO
18 WORRY ABOUT REPORTING, IT'S JUST A PART OF THE PROCESS.

19 AND AGAIN, IT'S KIND OF LIKE WHAT WE'RE
20 DOING. IS IT THE NUMBERS THAT MATTER, OR IS IT REALLY THE
21 PRODUCT THAT'S GETTING PURCHASED? AND, THAT WOULD BE A PART
22 OF WHAT WE HAVE.

23 AT THE SAME TIME, I THINK WHAT I'D LIKE TO
24 INCLUDE IN THE LETTER -- AND I DON'T KNOW IF MS. FISH WANTS
25 TO COMMENT ON IT OR NOT -- BUT, IN OUR BUDGET PREHEARING
26 MEETING, MY UNDERSTANDING IS THAT THE LEGISLATURE'S GOING TO
27 ASK US ABOUT THIS ISSUE IN GENERAL, AND IT MIGHT BE KIND OF
28 NICE TO SORT OF -- IN THE LETTER, TO TALK ABOUT THE FACT
29 THAT WE WOULD LIKE TO BE A UNIFIED VOICE, AS OPPOSED TO A
30 VOICE OF DISSENTION, BECAUSE I THINK THE ISSUE'S THAT
31 IMPORTANT.

32 SO, IF THAT'S KIND OF ALONG YOUR LINES --

33 MEMBER JONES: ABSOLUTELY.

34 CHAIRMAN EATON: I THINK IT'S EXACTLY WHAT YOUR
35 LINES ARE --

36 MEMBER JONES: ABSOLUTELY.

37 CHAIRMAN EATON: -- BUT IT'S A MUCH MORE -- I
38 GUESS NOT ONLY PRUDENT, BUT COOPERATIVE APPROACH.

39 DO YOU WANT TO MENTION WHAT THEY WERE ASKING
40 US?

41 MS. FISH: YES. KARIN FISH, DIVISION OF
42 ADMINISTRATION.

43 AND THEY DID BRING IT UP, AND THEY FOCUSED ON
44 IT. AND I THINK, CHAIRMAN EATON, YOU'RE RIGHT ON TARGET. I
45 DON'T THINK THAT THE REPORTING IS GOING TO BE THE ISSUE,
46 IT'S GETTING THE PRODUCT OUT THERE FOR PEOPLE TO BUY. AND
47 THAT'S GOING TO BE THE CONTROL.

48 WE FIND OURSELVES NOW, IF WE WANT TO BUY
49 RECYCLED CONTENT, WE HAVE TO ASK FOR AN EXCEPTION. WHAT IT

1 SHOULD BE IS, IF YOU WANT TO BUY SOMETHING OTHER THAN
2 RECYCLED CONTENT YOU NEED THE EXCEPTION. AND THAT'S THE
3 LEADERSHIP, AND THAT'S WHAT NEEDS TO CHANGE.

4 MEMBER JONES: RIGHT. AND THAT --

5 CHAIRMAN EATON: RIGHT. SO IF WE CAN DO THAT
6 WITHOUT ACTING ON ANY OF THE RECOMMENDATIONS, BUT NOT
7 ACTUALLY DISPENSING WITH THE RECOMMENDATION, THAT'S
8 SOMETHING THAT WE WILL STILL CONTINUE TO HAVE. THAT,
9 PERHAPS, WE CAN DRAFT THAT LETTER.

10 MR. CHANDLER?

11 MR. CHANDLER: I JUST WANT TO ECHO THAT, BECAUSE,
12 YOU KNOW, TWO FLOORS ABOVE USE, WE'RE EXPANDING TO A
13 THOUSAND SQUARE FEET OF OFFICE SPACE TO GREEN IT IN A WAY
14 THAT SHOULD REPRESENT HOW WE WANT TO MAKE PROCUREMENT. AND
15 I'LL TELL YOU, THIS IS VERY GOOD, AND I WANT TO COMPLIMENT
16 STAFF AS WELL.

17 BUT, YOU KNOW, IF YOU'RE A BUSINESS SERVICES
18 OFFICER OVER AT EMPLOYMENT DEVELOPMENT DEPARTMENT AND YOU
19 WANT TO GO OUT AND JUST GET A CHAIR, THE EASIEST WAY FOR YOU
20 TO GET YOUR JOB DONE IS TO GO TO THE DGS MASTER SERVICES
21 CONTRACT AND JUST FIND OUT THE CHAIR.

22 AND I'LL TELL YOU, HAYWORTH (PHONETIC)
23 PRODUCES A CHAIR THAT HAS NO RECYCLED CONTENT. AND SO I
24 WANT TO MAKE SURE -- AND THEN YOU HAVE TO GO OVER TO PRISON
25 INDUSTRIES TO GET AN EXCEPTION TO USING THE MASTER SERVICES,
26 AND THEN YOU HAVE TO DO A BID SPECIFICATION -- THEY'RE NOT
27 GOING TO DO IT. THEY'RE JUST GOING TO ORDER THE CHAIR OFF
28 OF THE MASTER SERVICES.

29 THAT PART ISN'T ABOUT LEADERSHIP, THAT PART'S
30 CHANGING THE TEMPLATE THAT THEY USE RIGHT AT THAT -- IN THE
31 BOWELS OF EVERY ORGANIZATION IN STATE GOVERNMENT.

32 WHAT I WOULD LIKE TO MAKE SURE, THAT WHEN WE
33 HAND THIS REPORT OFF -- INCLUDING OUR DISCUSSIONS THAT WE'LL
34 HAVE WITH THE SECRETARY -- THAT WE'VE GONE FAR ENOUGH TO SAY
35 THAT THE DGS MASTER SERVICES AGREEMENTS FLIPPED THIS WHOLE
36 THING AROUND. NOT JUST, AS IT SAYS HERE, INCREASE THE
37 AVAILABILITY OF RCPS, BUT MAKE THAT IN THOSE PRODUCT
38 CATEGORIES WHAT COMES UP ON THE SCREEN, SO THAT THERE ISN'T
39 EVEN REALLY A CHOICE.

40 AND MAYBE YOU'VE GOT IT WRITTEN THAT WAY AND
41 I'M NOT REAL CLEAR. BUT I DON'T WANT IT TO BE A -- BECAUSE
42 I WILL STILL TELL YOU THAT SOME PROCUREMENT OFFICERS ARE
43 GOING TO SAY, YOU KNOW, I DON'T WANT TO USE RECYCLED CONTENT
44 PAPER BECAUSE IT PROBABLY ISN'T AS GOOD, AND SO I'M GOING TO
45 PICK THE ONE THAT'S -- YOU KNOW, OTHER PAPER.

46 WE'VE GOT TO SEE THAT WE HAVE -- WHEN WE KNOW
47 THE QUALITY IS THERE HAVE THAT AS THE AVAILABLE PROCUREMENT
48 THAT PEOPLE IN STATE GOVERNMENT JUST GO AND SELECT. AND I
49 WANT TO MAKE SURE THAT THIS REPORT REFLECTS THAT APPROACH,

1 IF THE BOARD CONCURS, SO THAT WE'RE NOT TRYING TO INJECT
2 OURSELVES BUT ACTUALLY MAKE IT THE NORM.

3 CHAIRMAN EATON: OKAY. IF THERE'S NO OBJECTION TO
4 THAT, IF YOU WILL, MR. HART, PREPARE A LETTER -- WHAT I
5 WOULD LIKE TO DO, AND I OFFER THE OPTION, IF YOU COULD
6 PREPARE IT FOR THE SIGNATURE OF ALL FOUR OF US TO SHOW THAT
7 WE ARE UNIFIED?

8 AND, OBVIOUSLY, YOU'LL GET A CHANCE TO DO
9 WHATEVER EDITORIAL COMMENTS OR REVIEWS, OR ADDITIONS YOU
10 MIGHT DO.

11 AND ALSO EXPLAINING SOME EXAMPLES THAT MAYBE
12 MR. CHANDLER JUST PUT, I THINK IT'S PERFECT. BECAUSE AS WE
13 ALL KNOW, AND ESPECIALLY ME, I LEARN SOMETHING NEW EVERY
14 DAY. AND HAVING JUST ASSUMED THE HEAD OF AN AGENCY FOR SOME
15 LESS THAN 82 DAYS, I'M SURE THAT SHE PROBABLY ISN'T EVEN
16 AWARE OF WHAT THE PROCESS IS, AND I THINK SHE'D BE VERY
17 HELPFUL.

18 SO IF WE CAN DO THAT AS QUICKLY AS POSSIBLE,
19 IF IT -- I'D LIKE TO HAVE BY TUESDAY. IF NOT, THEN I WILL
20 BE HAPPY TO RAISE IT IN THE MEETING THAT A LETTER IS COMING
21 AND WE CAN START THE PROCESS GOING.

22 MR. HART: SURE. SO YOU'D LIKE US TO DRAFT THE
23 LETTER AND THEN SEND IT UP THROUGH THE CHANNELS.

24 CHAIRMAN EATON: YEAH. YOU CAN WORK WITH THE
25 DIFFERENT --

26 MR. HART: ALL RIGHT.

27 CHAIRMAN EATON: -- ADVISORS, WHO I THINK ALL HAVE
28 -- OF THE BOARD MEMBERS, OR BOARD MEMBERS AS WELL, AT SOME
29 OF THE ANECDOTAL INFORMATION THAT THEY MAY KNOW OF, OR THEIR
30 OWN PERSONAL EXPERIENCE AS WELL. OKAY?

31 MR. HART: OKAY.

32 CHAIRMAN EATON: I THANK YOU, VERY GOOD REPORT.

33 MEMBER JONES: GOOD JOB.

34 AGENDA ITEM NO. 27: DISCUSSION OF REVISION TO THE CIWMB IN-
35 HOUSE WASTE PREVENTION POLICY AND DEVELOPMENT OF A MODEL
36 STATE AGENCY WASTE REDUCTION AND PROCUREMENT POLICY

37 CHAIRMAN EATON: ITEM NO. 27. WE HAVE ABOUT FOUR
38 MORE ITEMS, FIVE MORE ITEMS LEFT, SO IF WE CAN KIND OF MOVE
39 IT THAT'D BE GREAT. THANK YOU.

40 MR. ESTES: MR. CHAIRMAN, MY NAME IS TOM ESTES, I
41 WORK IN THE WASTE PREVENTION AND MARKET DEVELOPMENT
42 DIVISION.

43 WE HAVE BASICALLY USED JERRY'S SORT OF
44 RECOMMENDATION WHERE IT CALLS FOR THE BOARD'S LEADERSHIP IN
45 STRENGTHENING ITS OWN IN-HOUSE EFFORTS, AND WHILE WE'RE
46 PRETTY GOOD, WE FEEL THAT TAKING A LOOK AT OUR WASTE
47 PREVENTION POLICY, AND THE AREAS THAT WE DO FOR PROCUREMENT,
48 THIS IS THE APPROPRIATE TIME TO DO THAT.

49 SO, I WILL TRY AND GO THROUGH THIS FAIRLY

1 QUICKLY TODAY, AND BASICALLY JUST REEMPHASIZE THE FACT THAT
2 IT'S IMPERATIVE THAT THE BOARD BECOME A LEADER IN WASTE
3 PREVENTION AND RECYCLED PRODUCT PROCUREMENT. WE'VE BEEN
4 HEARING THIS AT THE 21ST CENTURY POLICY PROJECT MEETINGS. I
5 KNOW IF YVONNE HUNTER WAS HERE SHE'D ECHO THAT SENTIMENT
6 QUITE LOUDLY. AND SO THAT THE BEST WAY THAT WE CAN LEAD IS
7 BY EXAMPLE.

8 SO WHAT WE WANT TO DO IS, WE'VE HAD AN IN-
9 HOUSE PREVENTION POLICY OVER THE YEARS, AND WE JUST THINK
10 IT'S WISE TO BRING THIS IN FRONT OF YOU, UPDATE IT. AND
11 THEN ALSO, I'LL JUST TOUCH ON IT BRIEFLY, BUT THIS HAS THEN
12 BECOME THE BASIS OF A MODEL POLICY, WHICH I BELIEVE YOU ALL
13 HAVE THIS POLICY IN FRONT OF YOU.

14 BASICALLY THE IN-HOUSE WASTE REDUCTION
15 PROCUREMENT POLICY IS INTENDED TO STRENGTHEN THE CURRENT
16 POLICY IN THE AREAS OF WASTE REDUCTION AND RECYCLED CONTENT
17 PRODUCT PROCUREMENT, WHICH GOES WAY BEYOND PREVENTION.
18 CELEBRATE THE ACCOMPLISHMENTS THAT WE HAVE ACHIEVED AS AN
19 ORGANIZATION THROUGHOUT OUR WASTE REDUCTION EFFORTS SINCE
20 1994.

21 I THINK IT'S SOMETHING THAT WE LOSE SIGHT OF,
22 BUT WE TALK ABOUT THE FACT THAT WE'VE REDUCED OUR WASTE 80
23 PERCENT, THE WASTE THAT WE DISPOSE, WHICH I THINK IS
24 SOMETHING WORTH, YOU KNOW, TAKING NOTE OF, TAKING STOCK OF.

25 WE THINK THAT THIS, ONCE AGAIN, PROVIDES AN
26 OPPORTUNITY TO LEAD BY EXAMPLE FOR OUR OTHER STATE AGENCIES.
27 AS WE'VE JUST HEARD, THERE'S A LOT OF ROOM FOR IMPROVEMENT
28 THERE.

29 AND WE ALSO -- ONE OTHER THING THAT'S IN
30 KEEPING WITH WHAT JERRY JUST TALKED ABOUT IS, WE WANT TO
31 MAKE WASTE REDUCTION A TOP-DOWN COMMITMENT, FROM THE BOARD'S
32 LEVEL ALL THE WAY THROUGH THE MANAGERS, DIRECTORS AND
33 EVERYTHING ELSE, DOWN TO STAFF. THIS IS GOING TO BE OUR
34 CULTURE.

35 WE ALSO ARE A CHARTER MEMBER OF US EPAS WASTE
36 WISE PROGRAM, WHICH IS BASICALLY A WASTE REDUCTION PROGRAM
37 THAT THE FEDERAL GOVERNMENT, EPA'S PROGRAM HAD SET UP
38 OSTENSIBLY FOR BUSINESS, AND THEY'VE INVITED GOVERNMENT
39 MEMBERS TO COME IN. WE ARE THE ONLY STATE AGENCY IN
40 CALIFORNIA THAT'S CURRENTLY A MEMBER OF THAT.

41 AND THEN BASICALLY WANT TO MAKE SURE THAT
42 EVERYBODY JUST TAKES SOME MORE INDIVIDUAL RESPONSIBILITY.

43 JUST TO TOUCH BRIEFLY -- WE HAVE REDUCED OUR
44 WHITE OFFICE PAPER BY 25 PERCENT. WE REDUCED THE AMOUNT OF
45 WASTE THAT WE DISPOSE OF BY 80 PERCENT, WE'RE DOWN TO LIKE I
46 THINK SOMETHING ON THE ORDER OF 3.4 OUNCES PER DAY, PER
47 EMPLOYEE, WE WANT TO DO A LITTLE BETTER IN THAT AREA, THAT'S
48 DOWN FROM A POUND AND A HALF A DAY.

49 AND PROBABLY ONE OF THE MORE INTERESTING

1 THINGS -- AND IF YOU'VE NOTICED AS YOU WALK OVER TO THE
2 CAFETERIA YOU SEE IN ONE OF THE PLANTER BEDS THAT THIS BED
3 IS ENRICHED WITH WORM COMPOST. WELL, THAT WORM COMPOST
4 ACTUALLY COMES FROM THE CAFETERIA SCRAPS, WE HAVE A WORM BIN
5 THAT WE COMPOST THAT WASTE. WE'VE ACTUALLY -- WHILE IT'S
6 NOT A HUGE TONNAGE, WE'VE DIVERTED SIX TONS OF WASTE THERE.
7 AND, YOU KNOW, AND IT'S JUST SOMETHING THAT WE DO AFTER
8 WORK AT NIGHT, AND PUT IT IN -- FEED THE WORMS, BASICALLY.

9 ANYWAY, IN THE POLICY YOU'LL FIND THAT IT'S
10 PRESENTED AS A RESOLUTION. WE'D LIKE TO BRING THIS BACK TO
11 YOU MAYBE FOR FORMAL CONSIDERATION NEXT MONTH, OR WHATEVER
12 TIME YOU CHOOSE.

13 IN THE "THEREFORE, NOW IT BE RESOLVED"
14 SECTION, WE WANT TO CREATE AN ORGANIZATIONAL CULTURE THAT
15 SUPPORTS WASTE REDUCTION AND RECYCLED CONTENT PROCUREMENT
16 PRACTICES IN ALL ASPECTS OF ITS BUSINESS OPERATION. WE WANT
17 TO SHOW LEADERSHIP.

18 WE WANT TO SUPPORT WASTE REDUCTION GOALS AND
19 ACTION PLAN. WE BASICALLY -- IN THAT AREA WHAT I WANT TO
20 STRESS IS, WE RECOGNIZE THAT THE BIGGEST WASTE REDUCTION
21 ACHIEVEMENTS HAVE NOT NECESSARILY COME FROM A COMMITTEE OF
22 STAFF, IT'S COME FROM THINGS LIKE PATTI BERTRAM INSTITUTING
23 WITH BAWDS. THAT'S A HUGE SAVINGS THERE, I DON'T KNOW IF
24 YOU QUITE FATHOM WHAT'S GOING ON THERE, BUT THAT'S HUGE.
25 AND THAT'S KIND OF HOW -- TAKING A LOOK AT A NORMAL BUSINESS
26 FUNCTION AND FIGURE OUT WHAT'S THE PROCESS BEHIND IT AND HOW
27 CAN WE IMPROVE IT. AND CONSISTENTLY, TIME AND TIME AGAIN,
28 THAT'S WHERE THE HUGEST SAVINGS OCCUR. AND SO WE WANT TO
29 RECOGNIZE THAT AND ENCOURAGE THAT FURTHER.

30 WE WANT TO CERTAINLY OPTIMIZE THE PROCUREMENT
31 OF RECYCLED CONTENT PRODUCTS. AND WE WANT TO MAKE SURE THAT
32 WHEN WE ARE MAKING A PROCUREMENT DECISION WE PRACTICE WASTE
33 REDUCTION IN ALL OF THE DECISIONS, IN TERMS OF DURABILITY,
34 RECYCLABILITY, REUSABILITY, THOSE TYPES OF THINGS.

35 WE ALSO WANT, AGAIN, TO ENCOURAGE AN
36 ENVIRONMENT WHERE EVERYONE WORKS COOPERATIVELY TO ACCOMPLISH
37 THESE, OR BRING UP NEW BAWDS TYPE IMPROVEMENTS.

38 WE WANT TO WORK WITH OUR PROPERTY MANAGEMENT
39 COMPANY, BE THAT THE ONE WE CURRENTLY HAVE OR THE ONE WE
40 WILL HAVE IN THE FUTURE, SO THAT SUCH THINGS AS GRASS-
41 CYCLING AND PAPER TOWEL WASTE REDUCTION, THINGS OF THAT
42 NATURE GET FACTORED IN.

43 AND, AS MR. CHANDLER HAD ALLUDED TO EARLIER,
44 WE WANT TO STRIVE FOR CONTINUAL IMPROVEMENT. AND TO THAT
45 END, WE THINK IT'S IMPORTANT THAT YOU HEAR ON A PERIODIC
46 BASIS WHAT OUR IMPROVEMENTS ARE.

47 CHAIRMAN EATON: AND I THINK IT WAS GOOD THAT YOU
48 BROUGHT IT BACK HERE TO SHOW WHAT PROGRESS HAS BEEN MADE
49 AND, BY THAT, MAYBE ALL OF US WILL ACTUALLY INCREASE OUR OWN

1 PERSONAL EFFORTS TO THE OVERALL EFFORT. AND I THINK THAT,
2 IN TERMS OF BEING ABLE TO BRING IT BACK IN ONE OF THE NEXT
3 TWO MEETINGS WOULD BE HELPFUL.

4 IF THERE'S ANY QUESTIONS?

5 MEMBER PENNINGTON: NO.

6 CHAIRMAN EATON: OKAY. SO IN ONE OF THE NEXT TWO
7 MEETINGS WE CAN EXPECT TO HAVE A FORMAL ADOPTION --

8 MR. ESTES: THAT'S CORRECT.

9 CHAIRMAN EATON: GREAT. I THANK YOU FOR YOUR TIME
10 AND YOUR PRESENTATION.

11 AGENDA ITEM NO. 28: CONSIDERATION OF FUNDING FOR APPROVED
12 CONTRACT CONCEPT AND APPROVAL OF SCOPE OF WORK FOR THE
13 RECYCLED PRODUCTS TRADE SHOW

14 CHAIRMAN EATON: ITEM NO. 28 IS ON CONSENT.

15 AGENDA ITEM NO. 29: CONSIDERATION OF APPROVAL OF RECYCLING
16 MARKET DOCUMENT REVOLVING LOAN PROGRAM APPLICATIONS FOR
17 PRECON PRODUCTS, INC., BARBARY ENTERPRISES, LLC, AND RANCHO
18 DOS AMIGOS, LLC

19 CHAIRMAN EATON: ITEM NO. 29.

20 MR. ORR: ITEM 29 IS THE PRESENTATION FOR
21 CONSIDERATION OF A RECYCLING MARKET DEVELOPMENT LOAN FOR ONE
22 OF THREE OF THE LISTED APPLICANTS FOR PRECON PRODUCTS. THE
23 INTRODUCTION WILL BE MADE BY JIM LA TANNER, AND THE BODY OF
24 THE ITEM WILL BE PRESENTED BY JEFF INGLES.

25 CHAIRMAN EATON: GENTLEMEN, IF YOU COULD TOUCH
26 JUST MAINLY ON THE HIGHLIGHTS? THERE ARE SOME PREVIOUS
27 COMMITMENTS BY A NUMBER OF BOARD MEMBERS -- NOT TO TAKE AWAY
28 FROM YOUR PRESENTATION. WE'D GREATLY APPRECIATE IT.

29 MR. INGLES: FOR THE RECORD, MY NAME IS JEFFREY
30 INGLES, LOAN OFFICER IN THE RMDZ LOAN PROGRAM.

31 JUST A COUPLE THINGS BEFORE WE GET INTO THE
32 PRESENTATION REGARDING LOANS FUNDED TO DATE: CURRENTLY
33 LOANS FUNDED TO DATE, 4.5 MILLION, LOANS APPROVED BUT NOT
34 FUNDED, 1.2 MILLION, FOR A SUBTOTAL OF 5.7 MILLION. WITH
35 THIS PRESENTATION TODAY -- THIS IS A \$1 MILLION
36 PRESENTATION, OUR LOANS FUNDED WOULD BE 6.7 MILLION TO DATE.

37 MR. CHANDLER: THAT'S CURRENT YEAR?

38 MR. INGLES: FISCAL YEAR, EXCUSE ME.

39 MR. CHANDLER: FISCAL YEAR.

40 MR. INGLES: YEAH.

41 CHAIRMAN EATON, BOARD MEMBER, STAFF, AND
42 GENERAL PUBLIC, I'M PLEASED TO PRESENT TO YOU PRECON
43 PRODUCTS, INC., WHICH HAS APPLIED FOR A RECYCLING MARKET
44 DEVELOPMENT ZONE LOAN FOR THE AMOUNT OF \$1 MILLION. PRECON
45 IS A MANUFACTURER OF CONCRETE PIPES AND OTHER RELATED
46 CONCRETE PRODUCTS.

47 LOAN COMMITTEE MET ON MARCH 4TH, 1999, MADE
48 MINOR MODIFICATION TO THE LOAN.

49 EXECUTIVE SUMMARY. PRECON IS LOCATED IN THE

1 VENTURA COUNTY RMDZ. DIVERSION FOR THIS PRODUCT WILL BE --
2 THIS NEW PROJECT AND FUNDING WILL INCREASE THE TONS DIVERTED
3 FROM CALIFORNIA LANDFILLS. CURRENT LEVELS IS 250 TONS PER
4 YEAR, TO AN INCREASE OF 5,800 TONS PER YEAR, FOR AN OVERALL
5 INCREASE OF 5,600 TONS PER YEAR.

6 FEED STOCKS WILL COME FROM TWO SOURCES:
7 CURRENT CONCRETE WASTE FROM THEIR PRODUCTION OF PRODUCTS AT
8 PRECON; AND THE OTHER FEED STOCK IS RETURN MIXED CONCRETE
9 FROM A READY-MIX OPERATION NEXT DOOR TO PRECON. WITH BOTH
10 THESE PRODUCTS THEY WILL BE MAKING NEW PRODUCTS, RIVER SLOPE
11 PROTECTION BLOCKS AND OTHER TYPES OF PRODUCTS THAT WILL BE
12 SOLD TO THE PUBLIC.

13 IN CONCLUSION, THE LOAN STAFF IS ASKING THE
14 BOARD APPROVE RESOLUTION NO. 1999-137 FOR PRECON PRODUCTS,
15 INC., IN THE AMOUNT OF \$1 MILLION.

16 THIS CONCLUDES MY REPORT. IF THERE'S ANY
17 QUESTIONS I'D BE HAPPY TO ANSWER THEM AT THIS TIME.

18 CHAIRMAN EATON: ANY QUESTIONS, COMMENTS?

19 MEMBER PENNINGTON: MR. CHAIRMAN, I'LL MOVE
20 ADOPTION OF RESOLUTION 1999-137.

21 MEMBER JONES: BUT THAT INCLUDES ALL THREE.

22 MR. INGLES: NO. JUST FOR THE RECORD, BARBARY
23 ENTERPRISES, LLC, AND RANCHO DOS AMIGOS, LLC, HAS BEEN
24 PULLED DUE TO THE FACT THAT WE COULDN'T RECEIVE A QUORUM FOR
25 THE LOAN COMMITTEE FOR THOSE PARTICULAR COMPANIES. THEY
26 WILL BE HEARD IN THE APRIL --

27 MEMBER JONES: I'LL SECOND.

28 MR. INGLES: APRIL MEETINGS.

29 CHAIRMAN EATON: OKAY. MR. PENNINGTON MOVES, MR.
30 JONES SECONDS, THAT RESOLUTION 1999-137, AS REVISED, BE
31 ADOPTED.

32 WITHOUT OBJECTION, WE'LL SUBSTITUTE THE
33 PREVIOUS ROLL CALL? HEARING NO OBJECTION, SO SHALL BE THE
34 ORDER.

35 THANK YOU VERY MUCH GENTLEMEN, APPRECIATE IT.
36 AGENDA ITEM NO. 30: CONSIDERATION OF AWARD OF THE FISCAL
37 YEAR 1998/99 PLAYGROUND COVER AND SURFACING GRANTS [SEE
38 PUBLIC COMMENT(S) INCLUDED IN THE PROCEEDINGS OF MARCH 23,
39 1999, VOLUME I.]

40 CHAIRMAN EATON: NEXT ITEM, 30, CONSIDERATION OF
41 PLAYGROUND COVER AND SURFACING GRANT ITEM.

42 MS. GILDART: GOOD AFTERNOON CHAIRMAN AND MEMBERS,
43 I'M MARTHA GILDART WITH THE WASTE PREVENTION AND MARKET
44 DEVELOPMENT DIVISION.

45 I'M HERE TO PRESENT THE RECOMMENDATIONS FOR
46 AWARD OF THE PLAYGROUND MAT GRANTS. THIS IS THE THIRD YEAR
47 THE BOARD'S BEEN DOING IT, I THINK YOU'RE ALL FAIRLY
48 FAMILIAR WITH THE INTENT AND THE PURPOSE.

49 IF YOU DO REMEMBER, IN APRIL YOU ALLOCATED

1 \$300,000 TOWARDS THE GRANT PROGRAM, AND THEN IN SEPTEMBER
2 YOU APPROVED THE SCORING CRITERIA THAT STAFF USED TO RANK
3 THE APPLICATIONS.

4 WE SENT OUT A NOTICE OF FUNDS AVAILABLE TO
5 4,000 ENTITIES, AND WE RECEIVED REQUESTS FOR APPLICATION
6 FROM 400. BY THE FINAL FILING DATE OF DECEMBER 4TH WE HAD
7 RECEIVED 51 APPLICATIONS, TOTALED REQUESTS WERE OVER A
8 MILLION DOLLARS. SO, YOU CAN SEE WE HAD A FAIRLY STRINGENT
9 REVIEW TO CONDUCT TO BRING THE PASSING APPLICATIONS DOWN TO
10 THE \$300,000 AMOUNT.

11 THREE PANELS WERE ESTABLISHED COMPOSED OF
12 STAFF FROM THE PERMITTING AND ENFORCEMENT DIVISION,
13 ADMINISTRATION DIVISION, AND THE WASTE PREVENTION AND MARKET
14 DEVELOPMENT DIVISION.

15 WE FOLLOWED THE PROCEDURES THE BOARD HAD
16 ADOPTED IN DECEMBER OF '98, AND INCLUDED A BLIND REVIEW OF
17 FIVE APPLICATIONS ACROSS ALL THREE PANELS. IT'S CALLED A
18 BLIND REVIEW BECAUSE THE REVIEWERS DO NOT KNOW WHICH OF THE
19 ONES THEY'RE LOOKING AT ARE REVIEWED IN COMMON. THAT BLIND
20 REVIEW RESULTED IN A POINT SPREAD GREATER THAN THE GIVE
21 POINTS THAT HAD BEEN RECOMMENDED IN THE DECEMBER ITEM, SO WE
22 TOOK THE ONE PANEL WHOSE SCORES WERE OUT OF THE FIVE-POINT
23 SPREAD AND REDISTRIBUTED THOSE 15 APPLICATIONS TO THE
24 REMAINING TWO PANELS. THEY THEN REVIEWED AND RANKED THOSE
25 APPLICATIONS, AND THAT IS THE RESULT THAT YOU SEE IN YOUR
26 PACKAGE TODAY, LISTS "A," "B," "C."

27 THE ONLY CHANGE WERE THAT TWO APPLICATIONS
28 THAT HAD ORIGINALLY FAILED TO RECEIVE THE MINIMUM SCORE
29 REQUIRED FOR FUNDING, MOVED UP ONTO THE BOTTOM OF THE "B"
30 LIST, SO THE EFFECT WILL ONLY BE FELT IF ADDITIONAL FUNDS
31 ARE MADE AVAILABLE.

32 AS YOU CAN SEE, ON LIST "A" WE HAVE 14
33 APPLICATIONS, 13 OF WHICH ARE FOR PLAYGROUND GRANT SURFACING
34 AND ONE IS A RUNNING TRACK. THAT TOTALS \$300,000.

35 IF THERE ARE ANY QUESTIONS ABOUT ANY OF THE
36 SPECIFIC GRANTS, I CAN DESCRIBE THE "B" LIST.

37 MEMBER JONES: MR. CHAIRMAN.

38 CHAIRMAN EATON: MR. JONES.

39 MEMBER JONES: FIRST I WANT TO SAY THANK YOU,
40 BECAUSE THE FACT THAT THERE WAS A FIVE-POINT SPREAD, PEOPLE
41 LOOKED AT IT, I THINK THAT WAS THE INTENT OF THIS BOARD WHEN
42 WE CAME UP WITH THAT BLIND REVIEW.

43 AND I'M PREPARED TO MOVE THIS RESOLUTION
44 UNLESS WE WANT TO HEAR OF A REPORT?

45 CHAIRMAN EATON: BUT I THINK AS WE --

46 MEMBER PENNINGTON: I'M PREPARED TO SECOND IT IF
47 YOU'RE PREPARED TO --

48 MEMBER ROBERTI: AND I'M PREPARED TO VOTE ON IT.

49 MEMBER JONES: WITH THAT BEING SAID....

1 MS. GILDART: SHOULD I JUST SIT DOWN?
2 CHAIRMAN EATON: OKAY. I BELIEVE I HEARD MR.
3 JONES MOVES --
4 MEMBER JONES: RESOLUTION --
5 CHAIRMAN EATON: -- AND MR. PENNINGTON SECONDS
6 THAT RESOLUTION 1999-89 -- OOP, I'M SORRY, EXCUSE ME.
7 MEMBER JONES: EIGHTY-EIGHT.
8 CHAIRMAN EATON: I'M SORRY, LET ME REPEAT THAT.
9 MR. JONES MOVES, MR. PENNINGTON SECONDS, THAT RESOLUTION
10 1999-88 BE ADOPTED.
11 WITHOUT OBJECTION, IF WE CAN SUBSTITUTE THE
12 PREVIOUS ROLL CALL? HEARING NO OBJECTION, SO SHALL BE
13 ORDERED. THE MOTION IS APPROVED.
14 MEMBER JONES: THANK YOU, MARTHA.
15 CHAIRMAN EATON: THANK YOU. I THINK IT SHOULD
16 ALSO BE NOTED THAT IF THERE IS OTHER ALLOCATIONS, AS WE TOLD
17 THE INDIVIDUAL YESTERDAY FROM GLEN COUNTY, THAT WHATEVER
18 MONIES MIGHT BE AVAILABLE, WE WILL GO TO THE "B" LIST. I
19 JUST WANTED TO MAKE SURE THAT THAT WAS -- I THINK THAT'S
20 WHAT YOU WERE GETTING READY TO SAY.
21 AGENDA ITEM NO. 32: CONSIDERATION AND APPROVAL OF AWARD OF
22 CONTRACTS FOR REQUEST FOR PROPOSALS "PARTNERSHIPS FOR
23 AGRICULTURE AND OTHER END-USES"
24 CHAIRMAN EATON: NEXT ITEM, 32.
25 MR. ORR: YES, THIS IS THE LAST ITEM, AND STEVE
26 STORELLI WILL BE PRESENTING THIS ITEM WHICH IS ON THE AWARD
27 OF CONTRACTS TO THE THREE HIGHEST SCORING QUALIFIED BIDDERS
28 FOR "PARTNERSHIPS FOR AGRICULTURE AND OTHER END-USES."
29 MR. STORELLI: THANK YOU. MY NAME IS STEVE
30 STORELLI, I WORK IN THE WASTE PREVENTION AND MARKET
31 DEVELOPMENT DIVISION. CHAIRMAN EATON, BOARD MEMBERS, THIS
32 ITEM REQUESTS YOUR APPROVAL TO AWARD THREE CONTRACTS TO
33 PARTNERSHIPS USING COMPOST AND MULCH IN CALIFORNIA.
34 THE BOARD APPROVED CONCEPT CONTRACT #45 IN
35 SEPTEMBER, '98, FOR 300,000 FOR COMPOST AND MULCH END-USE
36 DEMONSTRATION PARTNERSHIPS. THE RFP WAS ISSUED NOVEMBER,
37 '98, AND STIPULATED THAT THE BOARD INTENDED TO AWARD THREE
38 \$100,000 CONTRACTS. THE CONTRACTS WOULD BE AWARDED TO THE
39 THREE HIGHEST SCORING PROPOSALS, REGARDLESS OF END-USE OR
40 GEOGRAPHIC DISTRIBUTION, AND THAT MATCHING FUNDS OR IN-KIND
41 CONTRIBUTIONS WOULD BE REQUIRED FROM EACH PARTNERSHIP.
42 THE BOARD RECEIVED AND SCORED 14 PROPOSALS.
43 THE THREE HIGHEST SCORING PROPOSALS ARE: UPPER VALLEY
44 RECYCLING, INCORPORATED, FOR \$80,000, PROPOSED A MULCH
45 EROSION CONTROL STUDY ON HILLSIDE VINEYARDS; NUMBER TWO,
46 NAPA COUNTY RESOURCE CONSERVATION DISTRICT, FOR 99,000,
47 PROPOSED A MULCH EROSION CONTROL STUDY ON HILLSIDE
48 VINEYARDS; AND LASTLY, NUMBER THREE, BIO-MASS, FOR 96,000,
49 PROPOSED A STUDY FOR SIX AGRICULTURAL CROPS IN THE COACHELLA

1 VALLEY.

2 THIS CONCLUDES MY PRESENTATION, AND I'D BE
3 HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

4 CHAIRMAN EATON: ANY QUESTIONS? COMMENTS?

5 MEMBER PENNINGTON: NOPE. I'LL MOVE ADOPTION OF
6 RESOLUTION 1999-90.

7 MEMBER JONES: I'LL SECOND.

8 CHAIRMAN EATON: ALL RIGHTY, MR. PENNINGTON MOVES,
9 MR. JONES SECONDS, THAT THE BOARD ADOPT RESOLUTION 1999-90.

10 WITHOUT OBJECTION, WE'LL SUBSTITUTE THE
11 PREVIOUS ROLL CALL? HEARING NO OBJECTIONS, IT IS SO
12 ORDERED, THE RESOLUTION IS ADOPTED.

13 AGENDA ITEM NO. 33: CONSIDERATION AND APPROVAL OF SCOPE OF
14 WORK TO CONTRACT FOR SERVICES FOR IMPLEMENTING COMPLIANCE
15 AUDITS OF NEWSPRINT CONSUMERS

16 CHAIRMAN EATON: THE LAST ITEM ON TODAY'S AGENDA,
17 AND THE BOARD'S AGENDA FOR THIS MONTH, IS ITEM NO. 33.

18 MR. MULLER: GOOD MORNING -- I GUESS IT'S GOOD
19 AFTERNOON, MR. CHAIRMAN. FOR THE RECORD, MY NAME'S RICK
20 MULLER, AND I'LL BE VERY BRIEF.

21 THIS ITEM HAS BEEN BEFORE THE BOARD A COUPLE
22 TIMES. AND I'LL SKIP THE HISTORY AND BACKGROUND, EXCEPT
23 JUST TO SAY THAT WE'RE BRINGING BACK THIS SCOPE OF WORK TO
24 AUDIT NEWSPRINT CONSUMERS, AND THE ONLY SUBSTANTIVE CHANGE
25 HAS BEEN THAT WE'VE CHANGED THE TARGET GROUP FOR AUDITS SO
26 THAT WE'RE ONLY AUDITING CONSUMERS THAT FILED QUESTIONABLE
27 CERTIFICATIONS. I'D LIKE TO BRIEFLY MAKE FOUR POINTS FOR
28 CLARIFICATION.

29 FIRST, THE REGULATIONS ARE BEING DEVELOPED TO
30 FINE LATE FILERS FOR THE 1999 COMPLIANCE YEAR AND FORWARD.
31 AND THE REGULATIONS DEVELOPMENT IS COMPLETELY INDEPENDENT
32 FROM THE DECISION TO AUDIT 1997 FILERS.

33 THE AUDITS ARE FOR COMPLIANCE YEAR 1997 AND
34 HAVE NOTHING TO DO WITH 1998 AND FOLLOWING YEARS. THE
35 AUDITS ARE BEING PERFORMED FOR ONLY 1997 FILERS TO DETERMINE
36 IF FALSE OR MISLEADING INFORMATION WAS REPORTED FOR 1997.
37 AND, IF SO, THEN THESE CASES COULD BE REFERRED TO THE A.G.'S
38 OFFICE FOR PROSECUTION.

39 THE AUDITS WILL ALSO HELP TO VERIFY
40 COMPLIANCE WITH PROGRAM REQUIREMENTS AND ENSURE ACCURACY OF
41 CONSUMPTION DATA CONTAINED IN THE CONSUMER CERTIFICATIONS.

42 AND THE FOURTH POINT IS, REGULATIONS WILL BE
43 IN PLACE FOR -- TO FINE LATE FILERS FOR THE 1999 COMPLIANCE
44 YEAR AND FORWARD.

45 AND I THINK THE KEY ISSUE THAT WAS OF
46 INTEREST HERE WAS TO DISCUSS THE COMPRESSING OF THE TERMS OF
47 THE CONTRACT. THE TERM OF THE AUDIT CONTRACT IDENTIFIED IN
48 THE SCOPE OF WORK IS CURRENTLY FOR ONE YEAR. BOARD STAFF
49 HAS CONSIDERED THE RAMIFICATIONS OF SHORTENING THE TIME

1 FRAME FOR THE CONTRACT SO THAT 20 AUDITS WOULD BE COMPLETED
2 IN TIME FOR THE ANNUAL NEWSPRINT PROGRAM STATUS REPORT,
3 WHICH IS NORMALLY PRESENTED TO THE BOARD IN AUGUST.

4 BASED ON THIS EVALUATION, BOARD STAFF
5 BELIEVES THAT COMPRESSING THE TERM OF THE CONTRACT TO ONLY
6 FOUR MONTHS WOULD NOT ALLOW SUFFICIENT TIME TO COMPLETE ALL
7 20 AUDITS. IN THE PAST, WITH AUDIT PROGRAMS SUCH AS THE
8 TRASH BAG AUDITS, IT HAS TAKEN UP TO A YEAR TO COMPLETE A
9 SIMILAR NUMBER OF AUDITS. THE PRIMARY REASON IS POOR
10 INDUSTRY COOPERATION IN THE SCHEDULING OF AUDITS. FOR THIS
11 REASON BOARD STAFF RECOMMENDS THAT THE TERM OF THE AUDIT
12 CONTRACT REMAIN AT ONE YEAR, WITH INTERIM PROGRESS REPORTS
13 REQUIRED TO COINCIDE WITH THE UPCOMING NEWSPRINT PROGRAM
14 STATUS REPORT.

15 AND I'VE ACTUALLY -- I'D LIKE TO MENTION THAT
16 I HAVE TALKED TO MR. JOHN WARDEN, WHO'S A CPA THAT CONDUCTED
17 THE TRASH BAG AUDITS. I'VE TALKED -- OUR STAFF HAVE TALKED
18 TO MITCH WEISS, WITH THE CIWMB AUDIT SECTION. AND ALSO,
19 I'VE TALKED TO JIM SPANO, WHO'S THE CPA WITH THE STATE
20 CONTROLLER'S OFFICE WHO'S INTERESTED IN DOING AN INTER-
21 AGENCY AGREEMENT WITH US FOR THIS CONTRACT. AND THEY ALL
22 TELL ME THE SAME THING, THAT THIS WOULD REALLY BE A PROBLEM.

23 ALSO, JERRY HART IS HERE, AND IF THERE'S ANY
24 INTEREST IN TALKING TO HIM, HE HAS -- HE COULD COMMENT AS
25 WELL ON THIS ISSUE.

26 I'VE PUT UP A PROPOSED BUDGET FOR THE
27 CONTRACT, AND IF YOU'LL NOTICE, IT ACTUALLY HAS ALL THE
28 AUDITS BEING COMPLETED BY DECEMBER 1ST, SO THAT WOULD BE
29 EIGHT MONTHS, ASSUMING WE START APRIL 1ST.

30 AND THAT'S, I THINK, OUR BEST RECOMMENDATION
31 AT THIS POINT.

32 CHAIRMAN EATON: I THINK SENATOR ROBERTI HAS SOME
33 QUESTIONS OR COMMENTS.

34 MEMBER ROBERTI: I WAS JUST WONDERING IF THERE IS
35 SOME WAY OF SORT OF COMING UP WITH A MORE CONDENSED PROGRAM
36 AND GETTING IT TO US QUICKER.

37 MR. MULLER: WELL, THE REAL BOTTLENECK --

38 MEMBER ROBERTI: IT'S NOT SO MUCH ON THIS PROGRAM,
39 BUT ONE THING I'M SENSING ON SO MUCH OF WHAT WE'RE DOING IS
40 -- AND THE WHOLE AREA, I MEAN, EVERYTHING TAKES YEARS. AND
41 MAYBE -- MAYBE -- I'M THINKING OUT LOUD NOW, AND IT'S NOT
42 JUST ON THIS -- MAYBE WE'RE ASKING FOR TOO MUCH, AND WE'RE
43 PUTTING QUANTITY AHEAD OF TIME.

44 AND SO, I MEAN, IT JUST SEEMS LIKE EVERY
45 PROGRAM I'VE BEEN HEARING, YOU KNOW, IS WE'RE ASKING FOR
46 DELAYS OR TIMES AND WE CAN'T MEET IT -- AND IT'S ALL FOR
47 REAL, I'M NOT COMPLAINING. AND THEN AT SOME POINT, YOU
48 KNOW, WE'RE ASSESSING WASTE REDUCTION IN 1991 IN 1999. AND
49 SO NOW I SEE IT IN THIS PROGRAM, WHICH I THINK IS THE FIRST

1 TIME I FORMALLY HEARD THIS PROGRAM, AND IT'S JUST AN OTHER -
2 - THIS IS ONE MORE TIME WHERE WE'RE ASKING FOR EXTENSIONS.

3 SO, MY OWN THOUGHT IS -- AND, YOU KNOW, I'M
4 THE POLICY GENERALIST HERE, YOU'RE THE SPECIFIC EXPERT -- IS
5 WHY CAN'T WE JUST ASK FOR LESS INFORMATION, ENOUGH THAT WE
6 CAN MAKE POLICY DECISIONS, AND GET IT QUICKER?

7 MR. MULLER: WELL, I DON'T THINK IT'S THE AUDIT
8 ITSELF THAT'S THE PROBLEM, THE AUDIT CAN BE COMPLETED IN A
9 VERY SHORT PERIOD OF TIME. IT'S THE FACT THAT -- WELL,
10 JERRY TOLD ME THAT THERE WAS JUST ONE COMPANY, TRASH BAG
11 MANUFACTURER THAT TOOK TWO MONTHS TO SCHEDULE THE AUDIT
12 BECAUSE THEY WOULDN'T RETURN THE CALLS. AND --

13 MEMBER ROBERTI: SO IT'S JUST GETTING COMPLIANCE.

14 MR. MULLER: RIGHT. AND WHEN WE HAVE PROBLEMS --
15 WHEN THE AUDITOR HAS PROBLEMS IT COMES BACK TO OUR STAFF TO
16 INTERVENE, SO THAT'S REALLY WHERE THE BOTTLENECK IS.

17 I WISH I HAD A SOLUTION, I DON'T -- FRANKLY,
18 DON'T EXPECT THESE NEWSPRINT CONSUMERS TO BE ANY MORE
19 COOPERATIVE, BECAUSE THESE ARE PEOPLE THAT -- A LOT OF THEM
20 WE'VE HAD TROUBLE WITH BEFORE.

21 MEMBER JONES: MR. CHAIRMAN?

22 CHAIRMAN EATON: MR. JONES.

23 MEMBER JONES: I MEAN, IF WE'RE SETTING THE
24 CONDITIONS -- OKAY? --

25 AND IT TAKES A TWO MONTHS' TIME PERIOD IN THERE,
26 AND YOU JUST TELL THEM WE'RE GOING TO AUDIT YOU IN THIS TIME
27 FRAME. THIS IS EXISTING INFORMATION THAT THEY'VE GOT, AND
28 IF THEY DON'T MEET WITH THE AUDITORS THEN BRING THAT
29 INFORMATION TO US AS PART OF THE ITEM.

30 MS. GILDART: ACTUALLY, THAT'S PART OF THE INTENT
31 IN THE INTERIM REPORT. OUR EXPECTATION IS THAT A CERTAIN
32 NUMBER OF THE NEWSPRINT CONSUMERS WOULD BE WILLING TO MEET
33 THAT TIME FRAME, AND WE COULD GET A FAIR NUMBER OF THE
34 AUDITS ACCOMPLISHED BY THE AUGUST REPORT.

35 HOWEVER, NOT ALL OF THEM ARE LIKELY TO COMPLY
36 EASILY. SO, PART OF THE INFORMATION WE PRESENT IN AUGUST
37 COULD BE INFORMATION ON COMPANIES THAT ARE NOT MAKING IT
38 EASY FOR US TO AUDIT THEM.

39 BUT, IT'S NOT SOMETHING WE REALLY HAVE THAT
40 MUCH DIRECT CONTROL OVER, GETTING INTO THEIR OFFICE TO LOOK
41 AT THEIR BOOKS AND WHATEVER PAPERS THEY'VE KEPT.

42 MEMBER JONES: THESE ARE PEOPLE THAT HAD
43 QUESTIONABLE RETURNS. RIGHT? AND WHEN YOU -- YOU KNOW, IT
44 WOULD SEEM TO ME THAT YOU SET THAT PARAMETER. YOU HAD A
45 QUESTIONABLE RETURN, WE ARE NOW AUDITING YOU, WE'RE GOING TO
46 AUDIT YOU IN THIS TIME FRAME. YOU KNOW? AND OUR DECISIONS
47 ARE GOING TO GO TO THE BOARD IN THIS TIME FRAME.

48 IF THEY DON'T COMPLY, THEN I THINK THE REPORT
49 IS WE DID "A" COMPANY, THE NUMBER WORKED OUT. "B" COMPANY,

1 THE NUMBER WORKED OUT. "C" COMPANY, THE INFORMATION WASN'T
2 MADE AVAILABLE TO US. THAT, TO ME, IS A NEGATIVE RESPONSE
3 TO AN AUDIT AND SHOULD BE THE END OF THE DISCUSSION.

4 I MEAN, THEN YOU TAKE APPROPRIATE ACTION
5 AGAINST THEM. I MEAN, AND THEN YOU GET IT DONE IN FOUR
6 MONTHS.

7 MS. TOBIAS: THE OTHER THING THAT OCCURS TO ME IS
8 THAT -- AND WE HAVEN'T BEEN ASKED TO DO THIS, BUT WE CAN
9 CERTAINLY LOOK AT IT -- IS TO SEE IF WE CAN TAKE ANY LEGAL
10 ACTION AFTER THEY'VE BEEN, YOU KNOW, ASKED TO, YOU KNOW,
11 OPEN THEIR BOOKS, AND TO -- YOU KNOW, AND RESPOND.

12 AND IF THEY DON'T RESPOND WE CAN -- IF THE
13 BOARD WISHES TO GO AHEAD WITH THIS, WHAT WE COULD IS REPORT
14 BACK AT THE NEXT MEETING ON WHETHER WE CAN TAKE ANY LEGAL
15 ACTION, BY GETTING A WARRANT OR WHATEVER, TO BASICALLY HAVE
16 THOSE BOOKS OPENED. I DON'T KNOW IF THAT'S POSSIBLE, BUT
17 I'M JUST OFFERING IT AS ANOTHER SOLUTION.

18 MEMBER ROBERTI: YEAH. AND JUST FROM THE TOP OF
19 MY HEAD, I MEAN, I TEND TO THINK OF THIS AREA PROBABLY MORE
20 THAN ANYTHING, THERE IS A READY PUBLIC PROPENSITY TO AGREE
21 WITH US. I MEAN, THIS IS WHERE SAVING THE TREES STARTS, AND
22 THAT'S HOW WE FORMULATE A MORE AGGRESSIVE ACTION ON OUR
23 PART. IF WE DON'T HAVE THAT THEN, YOU KNOW, FORGET ABOUT
24 ALL THE DEMONSTRATIONS, THEY DON'T MEAN ANYTHING.

25 MEMBER JONES: QUICK QUESTION?

26 CHAIRMAN EATON: SURE.

27 MEMBER JONES: THE AUDIT -- YOU SAID THE AUDITOR
28 GENERAL, OR THE AUDITOR IS -- WANTS TO WORK WITH US. HOW
29 MANY PEOPLE CAN THEY THROW AT THIS? IS THIS AN ISSUE OF ONE
30 OR TWO PEOPLE ARE GOING TO DO ALL THESE?

31 OR, CAN WE GET THE RESOURCES FROM THEM, OR
32 THE COMMITMENT FROM THEM SO THAT WE CAN DO AS MANY AS WE
33 NEED TO, AS QUICKLY AS WE NEED TO?

34 MR. MULLER: WELL, I DIDN'T DISCUSS THE PERSONNEL
35 INVOLVED, BUT I DID BRIEFLY TOUCH ON THE ISSUE OF WHETHER
36 THEY COULD GEAR IT UP, OR SPEED IT UP A LITTLE BIT, AND HE
37 DID THINK THAT THEY COULD DO THAT. BUT HE DIDN'T MAKE ANY
38 FIRM COMMITMENTS.

39 CHAIRMAN EATON: WHAT'S OUR DESIRE? I THINK THAT
40 PERHAPS, IF I CAN KIND OF FRAME IT, IS THAT WE WOULD LIKE --
41 THE BOARD DIRECTION TO SEE WHAT WE CAN DO, TO DO A
42 BIFURCATED PROCESS, IF I CAN USE THAT TERM, THAT WE CAN GET
43 AS MUCH INFORMATION AS WE CAN FOR THE AUGUST MEETING, AS
44 WELL AS, PERHAPS, AT THE SAME TIME GET SOME, PERHAPS,
45 OPINION ON THE LEGALITY OF PURSUING OTHER COURSES OF ACTION
46 FOR THOSE WHO MAY NOT BE COOPERATIVE.

47 AND, AT THE SAME TIME, I THINK THE GENTLEMAN
48 WHO CAME HERE FROM THE NEWSPAPER ASSOCIATION SEEMED TO BE A
49 VERY COOPERATIVE INDIVIDUAL, AND TO PERHAPS MAYBE WORK WITH

1 HIM, AND LET HIM KNOW THE PROCESS SINCE WE -- HE MADE SOME
2 VERY COMPELLING ARGUMENTS. AND ALSO WAS VERY, I BELIEVE,
3 SUPPORTIVE OF THE KIND OF ACTION WE WOULD TAKE ONCE WE
4 REDUCED THE SCOPE OF WHAT WE WERE LOOKING AT, AS REGARDS TO
5 ALL THIS.

6 MEMBER ROBERTI: AND WE DID VOTE -- AND WE DID
7 VOTE TO DO THAT, DIDN'T WE?

8 CHAIRMAN EATON: YES, WE DID. AND SO I THINK --

9 MEMBER ROBERTI: AND SO WE'RE TALKING SPECIFICALLY
10 ABOUT PEOPLE WHO JUST NOW ARE SAYING, YOU KNOW --

11 CHAIRMAN EATON: CORRECT.

12 MEMBER ROBERTI: -- I WON'T USE THE EXPLETIVE, BUT
13 WHATEVER --

14 CHAIRMAN EATON: RIGHT. SO I THINK THAT --

15 MEMBER JONES: SOME MIGHT SAY THAT.

16 CHAIRMAN EATON: -- THAT ORGANIZATION SHOULD BE OF
17 HELP TO US SINCE, YOU KNOW, WE DID LISTEN AS WELL.

18 SO IF THAT MEETS WITH YOUR APPROVAL I THINK
19 THAT WE CAN KIND OF MOVE ON. IS THAT CLEAR ENOUGH
20 DIRECTION?

21 MR. MULLER: WELL, THEN WOULD YOU LIKE ME TO
22 CHANGE THIS BUDGET SO THAT THEY'RE COMPLETED IN FOUR MONTHS,
23 BEGINNING APRIL 1ST?

24 MEMBER JONES: YEAH. YES.

25 CHAIRMAN EATON: I BELIEVE THAT'S THE DIRECTION OF
26 THE BOARD.

27 MR. MULLER: OKAY.

28 CHAIRMAN EATON: AND WITH THAT --

29 MEMBER JONES: I'LL SECOND.

30 CHAIRMAN EATON: THAT WE ADOPT --

31 MEMBER PENNINGTON: OKAY, DO YOU WANT A MOTION?

32 MEMBER JONES: SEE, I KNEW YOU --

33 MEMBER PENNINGTON: I'LL MOVE ADOPTION OF 1999-02,
34 WITH THE AMENDMENTS, AS AMENDED.

35 CHAIRMAN EATON: THE AMENDED TIME FRAME AND --

36 MEMBER PENNINGTON: RIGHT. RIGHT.

37 MEMBER JONES: THE TIME FRAME, AND THEN PUTTING IN
38 --

39 MS. GILDART: THE REPORT.

40 MEMBER JONES: PUT IN THE REPORT THAT -- THAT IF
41 THEY DON'T COMPLY, THEY DON'T COMPLY. PLUS --

42 MS. GILDART: SO WE MAY BE COMING BACK TO YOU WITH
43 FEWER THAN 20, BUT IT WILL ALSO INCLUDE THE LIST OF THOSE
44 WHO DID NOT COMPLY.

45 MEMBER JONES: YOU'LL COME BACK WITH 20.

46 MS. GILDART: YEAH.

47 MEMBER JONES: IT WILL BE SOME YOU HAD
48 INFORMATION, OTHERS, YOU'RE IN VIOLATION.

49 MS. GILDART: RIGHT.

1 CHAIRMAN EATON: DO I HEAR A SECOND?

2 MEMBER JONES: YOU HEARD IT.

3 CHAIRMAN EATON: I HEARD IT, I GOT IT. ALL RIGHT.

4 MR. PENNINGTON MOVES, MR. JONES SECONDS, THAT RESOLUTION
5 1999-02, AS AMENDED WITH THE AMENDED TIME LINE, AS WELL AS
6 DIRECTION BE ADOPTED.

7 WITHOUT OBJECTION, WE'LL SUBSTITUTE THE
8 PREVIOUS ROLL CALL? HEARING NO OBJECTION, SO IT SHALL BE
9 ORDERED.

10 VIII. PUBLIC COMMENT

11 CHAIRMAN EATON: ONE OTHER ITEM. THIS IS THE TIME
12 OF PUBLIC COMMENT. IS THERE ANYONE WHO WOULD LIKE TO
13 COMMENT ON ANY ADDITIONAL INFORMATION, OR PUBLIC AREA?

14 IX. ADJOURNMENT

15 CHAIRMAN EATON: SEEING NONE, HEARING NONE, THIS
16 MEETING STANDS ADJOURNED. THANK YOU.

17 (WHEREUPON, THESE PROCEEDINGS WERE CONCLUDED AT
18 1:04 O'CLOCK P.M.)

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REPORTER'S CERTIFICATION

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37

38 I, AMY PERRY, do hereby certify;

39 That the proceeding was reported by me and was
40 thereafter transcribed under my direction into typewriting.

41 I further certify that I am not of counsel or attorney
42 for either or any of the parties in the foregoing proceeding
43 and caption named, nor in any way interested in the outcome
44 of the cause named in said caption.

45

46 Executed April 12, 1999, at Sacramento, California.

47

48

AMY PERRY

49

Cert.No.

